California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

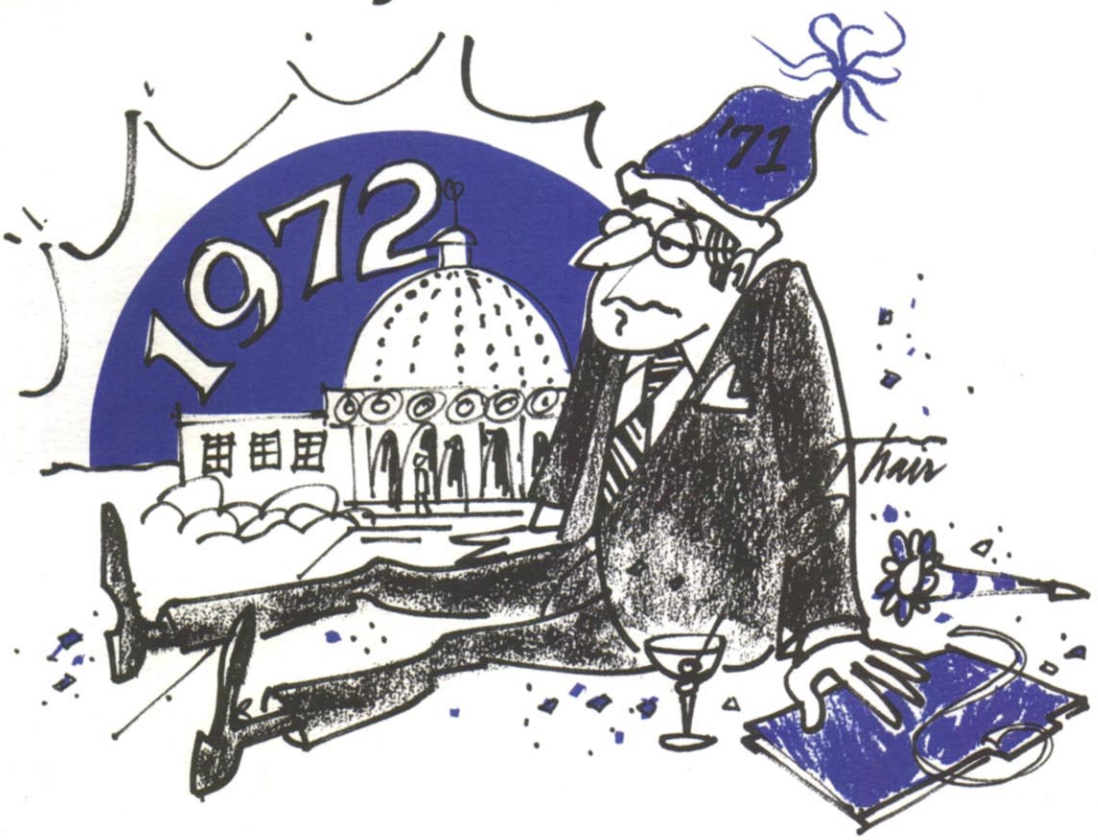
Special: 1971 Legislative Summary

Redistricting Goes to the Courts

Old Age Politics Revived

Chief Justice and the Judicial Council

Tax Act Finally Passed



December 1971 in Review

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Editor's Note

Since September we have been fortunate to have four interns from UC Davis on our staff again. The Davis program places interns in positions related to state government to give them an opportunity to see at first hand the governmental processes that they study in their course work.

Each intern is given a regular writing assignment for the *Journal* which hopefully provides insight into an executive agency and some aspect of the legislature as well as providing the basis for an informative article in the magazine. The first products of this academic year's labors appear in this issue. Mary Armstrong, a senior in political science, wrote the article on student aids. Michele St. Clair, a rhetoric major and former Peace Corpsman, wrote the article on old age politics. Two other interns are completing articles which will appear in the near future. They are Ramon de la Guardia, a second year law student, who is preparing an article on proposed penal reforms; and Albert Balingit, a senior sociology major who is completing an article on the Work Incentive program.

We wish to express our appreciation to the interns for their devoted efforts, and to thank Dr. Richard Gable the coordinator of the program at Davis.

* * * *

And speaking of students, someone complained recently that we had not told our readers of a related publication of the *Journal* which may be of wider interest. We have prepared a 72-page collection of articles which have appeared in issues of the *Journal* in the last two years which are of particular relevance to students of California government. The book is entitled *California Government and Politics Annual* and is published in September of each year. The retail price of the book is $2.00 with a charge of $.50 for postage and handling of orders of less than six copies.

* * * *

Were you wondering whatever became of our "continuing coverage" of the Nader Report? Please be patient. We have held off returning to that series until the legislative session adjourned. Beginning next month we will pick up on it again. Incidentally, this issue is the longest we've ever published and the trend toward longer issues is not one we intend to stop.

* * * *

Lou Cannon added a note to his letter from Washington that he will be in New Hampshire in mid-January and intends to devote his piece in the January *Journal* to McCloskey. Lou's book on McCloskey is coming out in February and Lou writes, "by the way, a White House-commissioned poll shows Pete far stronger than anyone, least of all his biographer, would ever have suspected."

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Reapportionment Reels Toward the Court as Republicans Deadlock Democrats

It was hard to believe as reapportionment oozed toward 1972 and a court test that as recently as five months ago legislative participants were talking about a relatively smooth and non-acrimonious resolution of this always-touchy issue. The "Two-Year Session of 1971", the longest session in the history of the state, left reapportionment unresolved and public regard for the Legislature and the governmental process in general at a new low, though blame for the impasse goes beyond the Legislature. (For previous coverage of reapportionment, see *California Journal,* June-July 1971, p. 168; October 1971, p. 264; November 1971, p. 302).

The main reason for the endless session and the inability to accomplish the constitutionally-required reapportionment was the fact, unique for reapportionment years in this century, that the Governor and the legislative majority were of different parties. Not that that alone necessarily precluded agreement, but, clearly, both sides failed to assess accurately the determination of the other side to go to the wall for what it wanted. Democrats argued that as the majority party they had a right (and the leadership felt compelled as a matter of political survival) to strengthen or at least maintain the party's position through reapportionment. The Republicans countered with much validity that any objective standard of a "fair" reapportionment had to improve their position.

In any case reapportionment was unresolved, and developments were pending on four fronts: the Legislature, the Governor's office, the Reapportionment Commission, and finally the courts.

The Legislature

In the last week of the Regular Session (during which the Constitution requires that reapportionment be accomplished) a complex series of events resulted in the defeat of measures to reapportion the Senate, Assembly and House of Representatives. The Senate plan had passed both houses but when the Assembly plan was amended into the Senate bill on the Assembly side and returned to the Senate for concurrence, the package became unacceptable to Senate Republicans and the measure was defeated. It had been possible to pass the Senate plan originally with Republican support to offset two unhappy Democrats. These Republicans would not support the Assembly version, however. The Governor's unwillingness to guarantee approval of any measure, even one which had received bi-partisan support, precluded any chance of salvaging the Senate agreement and resulted in a furious intra-party battle that spilled briefly into public view, only to be eclipsed by squabbling within the Democratic leadership.

The congressional plan on which substantial agreement had been reached died in the shuffle, since no one wanted to pass the congressional plan until the Senate and Assembly problems were resolved because congressional districts may hold the key to solving some Senate and Assembly problems.

It proved impossible for the Assembly minority and majority — who had come close to agreement on at least two earlier occasions — to agree to a reapportionment plan after the Republicans won an upset victory November 16th in the heavily Democratic 48th Assembly District. Until then the Republicans were very close to reaching agreement on a *status quo* 43-37 plan. Perhaps if Democrats had not delayed so long in making reapportionment a priority legislative issue and the Legislature had adjourned before November 16th, most of the reapportionment problems would have been resolved by the Legislature. Unable to marshall sufficient votes to pass the Assembly plan and faced with the prospect of enormous legal tangles if they did not adjourn at least thirty days before the beginning of the 1972 session, the Legislature adjourned on December 2nd without passing any of the plans (the session actually continued into the early hours of December 4th).

Governor Acts

Governor Reagan promptly recalled the Legislature into special session to pass the tax bill needed to balance the state budget, which the Senate had also refused to pass in the final hours of the session. The Democrats insisted that there would be no tax legislation if the Governor did not put reapportionment on call (no matter may be acted on in a special session unless the subject is included in the "call" issued by the Governor). The Governor acceded to the Democrats' demand, thereby angering the Republican legislative leadership, but this time they managed to keep their anger under wraps. The Governor, who termed the Legislature "almost unprecedented in its irresponsibility" for adjourning without passing the tax measure felt he had to get the tax bill in order to make up a $300 million deficit in the state budget no matter what the consequences for reapportionment.

Passage at Last

The Special Session convened on Monday, December 6th, quickly approved the tax measure, and then the following day recessed for ten days to allow the Senate Elections and Reapportionment Committee time to draw up a new Senate plan — one which would give the Democrats more than the plan which had earlier passed both houses. It was at this point that the weaknesses in the Senate's reapportionment capability, which had been rumored all year long, came to the surface. The Senate committee staff was not able to come up with a new plan more quickly. It also turned out at this point that the Senate's data base was not applicable to units smaller than census tracts, unlike both the Assembly Democrats' system and the Republican system which could analyze block groups within census tracts.

Finally, on December 17th, the new Senate plan was ready. The bill, SB 2 (Dymally), protects all incumbent Democrats and adds a new Chicano seat, probably Democratic, in East Los Angeles at the ex-

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pense of one of two Republican Senators, Marks or Behr, in the San Francisco - Marin County area. The earlier plan, which had passed both houses in the Regular Session but which got entangled with the Assembly reapportionment, would have resulted in the defeat of Democratic Senator Walsh by a Republican in exchange for the loss of the north-state Republican seat and would thus have resulted in maintaining the present 21-19 partisan division in the Senate.

The Assembly plan, AB 12 (Waxman), was described by Democrats as a 44-36 plan, increasing their margin by two. One Republican staff member described the same bill as a "50-30 rape plan". In any case, the plan at the very least would defeat three incumbent Republican Assemblymen in Los Angeles (Conrad, Brophy and Wakefield) and either Maddy or Mobley in Fresno.

The Congressional plan AB 16, (Waxman) was essentially the same as the Regular Session plan and would protect all 38 incumbents and would, according to Democrats, allocate two of the five new seats to Democrats, give two to Republicans and make one seat in the Santa Clara - San Mateo area a close contest (see *California Journal*, November 1971, p. 302). The plan is said to have support from nearly all the congressional delegation, including Republicans, although only one Republican in either house voted for the measure.

Other Provisions

The bill reapportioning the Senate also has a provision delaying the 1972 primary election from June 6th to June 13th. This provision was ostensibly added to give county clerks an additional week to prepare voting material based on the new districts, but there are several additional ramifications as well to this change. In the first place, SB 2 became an urgency

Assembly Motto

measure because it calls a special election and therefore it goes into effect as soon as the Governor signs it rather than after 90 days. Secondly the one week delay may effectively preclude thousands of new voters on college campuses from voting because the school year will have ended on many campuses by then.

As this issue goes to press the bills, especially the Assembly and Senate bills, face an almost certain veto by the Governor. Anticipating this, the Democrats also passed concurrent resolutions which do not require the Governor's signature to reapportion the Senate and Assembly. The legal implications of this tactic are discussed below.

Reapportionment Commission

In 1926 the people of California were fed up with a Legislature which had failed in five years to reapportion itself on the basis of the 1920 census. At that time representation in both houses was based on districts of equal population. The simple reason for the Legislature's reluctance to re-district was that the state's population growth was greatest in the south, and the northern legislators who controlled both houses were reluctant to lose strength.

Two constitutional amendments were placed on the November ballot by initiative petition in 1926 to force the Legislature to reapportion itself. One of these measures would have continued the then-existing requirement that districts for both houses be apportioned on the basis of substantially equal population, but

Senate Motto

would have created a reapportionment commission composed of the Secretary of State, the Attorney General and the Surveyor General (whose duties were given to the Controller in a 1924 amendment) to reapportion the Senate and Assembly if the Legislature failed to. This measure was defeated 319,456 Yes to 492,923 No.

On the same ballot was the present Article IV, Section 6 which passed 437,003 Yes, to 363,208, No. This measure embodied the "little federal plan" of representation which called for apportioning the Assembly on a population basis and the Senate on the basis of counties, with no county having more than one senator and no senator representing more than three counties. The measure also created a five-member reapportionment commission composed of the Lieutenant Governor as chairman, the Attorney General, the Secretary of State, the Surveyor General and the Superintendent of Public Instruction. The amendment also provided that "should the Legislature at the first regular session following the adoption of this section or at the first regular session following any decennial Federal census, fail to reapportion the Assembly and Senatorial districts" the commission would be empowered to act. However, the commission was never activated in its 45-year history, until this year.

In the meantime, the U.S. Supreme Court issued its rulings in 1962 and 1964 that under the equal protection clause both houses of the Legislature must be apportioned on a one-man, one-vote basis. In 1965, in the case of *Silver v. Brown*, the California Supreme Court accordingly found Article IV, Section 6 to be unconstitutional because the "little federal plan" resulted in unequal representation.

Commission's Validity

The key question regarding the constitutionality of the commission today focuses on whether that part of Section 6 which creates the commission is severable from that part which was declared unconstitutional.

(Continued on page 347)

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Growing Senior Power Revives Old Age Politics, Stirs Legislators to Look for New Solutions to the Problems of the Aging

Sometimes called "the forgotten minority", senior citizens have become too large a minority to be ignored any longer by vote-conscious politicians. The 1970 census has revealed that there are now twenty million persons in this country age 65 and over, representing ten percent of the total population and 17 percent of voters in the 1970 election. Even more significant, perhaps, is the fact that the 65-and-over population is growing twice as fast as the under-65 population.

And what is true for the nation is true as well for California. There are 1.8 million persons age 65 and over in California, representing nine percent of the state's total population. Since 1960 this age group has increased by 32 percent, as compared to a 22 percent increase in total population. According to the 1970 census data, approximately three-fifths of Californians who are 65 and over are heads of households, wives of heads of families, or living with an under-65 family member who is head of the household. The remaining two-fifths live alone (198,000 men and 399,000 women), board with non-relatives, or reside in institutions (94,000). Moreover, according to a recent report prepared for the California Commission on Aging, older Californian's "suffer the same problems of alienation, reduced purchasing power, inadequate housing, immobility and forced retirement, that plague seniors in other states."

Assistance and Needs.

There are, of course, a number of federal and state programs which are aimed at improving the lot of elderly persons: Old Age Security, Medicare, Medi-Cal, property tax relief, public housing. Yet there is also statistical evidence, on the national level, indicating that present assistance falls far short of the needs of elderly persons, and this is assumed to be true in California as well, although there is little current statistical data to prove it. Supporting evidence is drawn largely from national and local surveys, which are often many years out of date. Nevertheless, it seems to be agreed among many legislators, state officials who deal with the aging, and senior citizens' organizations that a large number of elderly Californians face serious problems in their everyday living that demand public action.

Despite social security and OAS benefits, there is reason to believe that loss of income continues to be a major problem for the aged. National surveys indicate that 30 percent of older Americans live near or below the poverty level. Among Negroes who survive beyond age 65, more than half live below the poverty line. (In 1971, the Office of Economic Opportunity poverty index was $2,300 for an aged couple, and $1,850 for individuals; for rural areas the poverty index was $1,700 and $1,300 respectively.) An extensive study undertaken in 1970 by the National Council on Aging for the U.S. Office of Economic Opportunity reported that the elderly are "the only identifiable group in the poverty designation whose numbers in the past few years have increased rather than decreased." Unemployment, inflation, technological change and rapid growth of the population age group entering the work force over the past few years have all worked together to erase much of the modest economic gain the elderly made in the preceding years.

Housing.

Housing is also a serious problem for the aging. Estimates are that one in three older Americans lives in substandard housing. And according to the "Workbook on Housing", used by delegates to the 1971 White House Conference on Aging, "There is in existence today no more than a token amount of public housing for the elderly." Older persons tend to pay a larger percentage of their income for housing than others, chiefly because housing costs are relatively fixed, and those with lower incomes must devote a higher percentage of their resources to housing. In addition, homeowners (who amount to about 74 percent of Californians 65 years old and over) are seriously affected by neighborhood changes from residential to commercial development, declining property values, and rising property taxes. California's property taxes are among the highest in the nation and undoubtedly have forced many of its aging citizens to seek different and frequently substandard living arrangements. Recent efforts to provide property tax relief for elderly homeowners will certainly help in this regard, but the benefits have been slow in reaching those who are believed to be most in need.

Obviously, elderly persons are also vulnerable to the ravages of failing health and all its economic and psychological consequences, and therefore need the kind of readily available, low-cost health care which is unavailable in most communities. Inadequate transportation is another problem the aging must confront daily, since the purchase of food, health care, church attendance, cultural activities, and social contacts all depend on adequate transportation facilities, and many do not own a car. In many rural and suburban areas public transportation has disappeared entirely, while in urban centers fares may become prohibitive, particularly for the elderly who live on fixed incomes.

1971 Legislation.

Among senior Californians' most pressing needs, housing (property tax relief) received the greatest attention from the Legislature in 1971. AB 1 (Bagley), the income tax withholding and budget balancing measure passed in early December (see page 338), may be expected to considerably ease the property tax burden for a large percentage of elderly persons who own their own homes. Under the provisions of AB 1, homeowners 62 years of age and older may be granted tax rebates for their property taxes (including special assessments) ranging from a low of four percent for house-

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holds with annual incomes of $10,000, up to 96 percent for households with incomes of $1,000 or less. This tax rebate applies to the first $7,500 of assesed valuation, which in most cases means up to $30,000 in market value. As a consequence of the new law, it is expected that senior citizens property tax relief will increase from $10 million in 1971-72 to $56 million in 1972-73. Approximately 90 percent of all elderly homeowners are expected to qualify under the new legislation, which also provides for a greater effort to notify all who are potentially eligible.

Also enacted was SB 62 (Marks), which assures a senior citizen of property tax assistance when he is not living at his home due to temporary convalescence in a hospital or medical institution. Several other senior citizens property tax relief bills were introduced, but none passed. Among these were Assemblyman Leo McCarthy's AB 147 and AB 148, which had provisions similar to those in AB 1, but which would also have extended property tax relief to elderly renters.

Freshman Assemblyman Peter Chacon, one of four legislative members of the California Commission on Aging, proposed the creation of an Elderly Persons Home Loan Fund (AB 2917) from which home development loans to elderly persons with low incomes could be made. The bill died, however, in the Assembly Ways and Means Committee. Chacon also introduced AB 3028, which would have enacted a Housing for the Elderly Law, creating a Division of Housing for the Elderly within the Department of Housing and Community Development to devise a low income housing plan. The bill, which never reached the Assembly floor for a vote, additionally provided for the submission of a $250 million bond issue to voters to finance additional housing for the elderly.

Medi-Cal Costs.

The principal measure affecting the provision of health services for senior Californians was AB 949, the Medi-Cal "reform" bill. The new Medi-Cal provisions will increase medical costs for eligible recipients (all OAS beneficiaries) through the new "co-payment" feature which requires recipients to pay $1 per physician visit and $.50 per prescription for basic benefits. Actual services may also be reduced because of the increased need for prior state authorization for many medical services and state cost controls on such things as home care services and prosthetic devices.

In the area of income maintenance for the elderly, AB 858 (Burton) excludes consideration of lump sum retroactive social security payments in determining the amount payable to a welfare recipient. An emergency statute, the bill was signed by the Governor in June. In November, the Governor announced increases of $5 per month in OAS benefits.

Responding to those who object to the welfare stigma attachned to Old Age Security benefits, a stigma which became worse this year as a result of repeated attacks by state officials on welfare programs, Senator (then Assemblyman) David A. Roberti proposed changing the title of the Old Age Security Law to the Senior Californians' Pension Plan, but the bill died in the Assembly Committee on Welfare. (Senior citizens organizations and various legislators have proposed similar legislation ever since the creation of Old Age Security.)

Joint Committee.

Potentially the most significant legislative achievement for the elderly to come out of the 1971 session was the establishment of a Joint Committee on the Aging, which is directed to "ascertain, study and analyze all facts relating to the economic, health, and social needs of older adults . . . and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation."

Activation of the new committee, budgeted at $60,000, was announced on November first by its chairman, Assembly Majority Whip Leo T. McCarthy. Appointed to the six-member committee were Senators Peter H. Behr (vice chairman), Joseph M. Kennick and George N. Zenovich. The other two Assembly members are Assembly Speaker Robert Moretti and Assemblyman E. Richard Barnes, Chairman of the Assembly Committee on Retirement. As staff consultant, the committee appointed Mrs. Janet J. Levy, executive director of the Citizens Advisory on Aging from 1965 to 1967.

Percentage Distribution of California Population 65 and Over by County, 1970, Top 20 Counties

		Percentage
	Los Angeles	36.2%
	San Diego	6.6
	San Francisco	5.5
	Alameda	5.5
5	Orange	5.5
	San Bernardino	3.6
	Santa Clara	3.6
	Riverside	3.4
	Sacramento	2.5
10	San Mateo	2.4
	Contra Costa	2.2
	Fresno	2.1
	San Joaquin	1.6
	Sonoma	1.5
15	Kern	1.5
	Ventura	1.4
	Santa Barbara	1.3
	Santa Cruz	1.1
	Stanislaus	1.1
20	Monterey	1.0

Top 20 Counties = 89.6% of the total
Top 10 Counties = 74.8% of the total

Percentage of County Population 65 and Over, 1970, Top 20 Counties

		Percentage
	Lake	23.0%
	Nevada	16.9
	Santa Cruz	16.6
	Mariposa	16.4
5	Calaveras	16.4
	Butte	14.1
	San Francisco	13.9
	Amador	13.6
	Napa	13.4
10	Riverside	13.2
	Sonoma	12.9
	Sierra	12.7
	Glenn	12.6
	Tuolumne	12.4
15	San Luis Obispo	12.3
	Modoc	11.9
	Tehama	11.7
	Colusa	11.7
	Inyo	11.6
20	Siskiyou	11.3

According to Assemblyman McCarthy, the joint committee will serve two main functions. Primarily, the committee will seek to spark and coordinate needed legislation for the elderly, and particularly for the elderly poor. Secondly, the new committee will seek to provide a focal point and forum for senior citizens organizations to air their grievances. To accomplish

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this, McCarthy says that the Joint Committee on Aging will conduct hearings throughout the state "to determine whether persons in their senior years have been relegated to second-class citizenship".

As a result of last year's newspaper exposé of conditions in several San Diego nursing homes and the resulting controversy, the committee's first move will be to investigate the administration of nursing homes throughout the state. After the highly publicized charges of abuse and mismanagement in some nursing homes, says Mrs. Levy, "it is not fair to leave the public dangling, wondering if the same is true of all nursing homes in the state." Moreover, she says, its only fair to allow nursing home administrators to publicly state their case. The first committee hearing will be held in Long Beach on February 18th, and another hearing is planned for San Diego in March.

Legislation Planned.

Indications are that the main thrust of the committee's activities, however, will be toward recommending and producing legislation. In October, Assembly Speaker Moretti told a Fresno audience of the National-California League of Senior Citizens that he expects strong recommendations from the Joint Committee on Aging. As a member of the committee and as Speaker of the Assembly, he pledged to seek legislation to "radically alter our direction so the problems of the aged no longer are approached on a piecemeal or urgency basis." He went on to say that work is underway on a legislative package for the elderly, to be introduced in 1972, which "will have a significant impact on the lives of senior Californians" if enacted.

Legislative staff who are now working on the legislative package to which Moretti referred say that it may cover ten or more problem areas, some of which were considered to be left unresolved by the Legislature in 1971. The most likely ingredients of this package are property tax relief for senior citizens who are renters and another attempt to remove the "welfare stigma" from OAS benefits. It is also likely that the package will include several bills on consumer protection, based on the belief that because of their transportation problems, the elderly are particularly vulnerable to mail order fraud and dishonest door-to-door salesmen. Hearing aids are prominent among the consumer products which have been singled out for extensive research. There will also be an attempt to expand enployment opportunities for senior citizens by means of encouraging employers to review policies which make retirement at age 65 mandatory, and providing public service jobs for older people (without reductions in Social Security or OAS payments).

Speaker Moretti said in his speech last October that he favors an "income maintenance system for the aged, blind and disabled, which is not tied to welfare and is supplemental to Social Security." Moretti, who was chief Assembly negotiator of the Medi-Cal compromise of 1971 which requires "co-payments" from Medi-Cal recipients for physicians' services and drugs, also said he favors "a comprehensive health insurance program without co-payment features".

Other proposed legislation under consideration would expand existing programs, such as special transportation services, homemaker services, adult education, meals on wheels, and home health care. Other possibilities being explored are the employment of paramedical personnel, and especially veterans who have served as medics, to visit the homes of the aging; establishment of a new training center in northern California similar to the University of Southern California's School of Gerontology; housing legislation similar to that which Assemblyman Chacon carried in 1971; and some form of specialized legal protection for the elderly.

Commission on Aging.

There is also some legislative interest in attempting to strengthen the role of the California Commission on Aging, the only existing state agency wholly concerned with the problems of the aging. The commission was first established in 1955 as the Citizens Advisory Committee on Aging, but was restructured in 1966 to qualify as the state agency to administer federal community grants under the Older Americans Act of 1965. Located administrately within the Department of Human Relations, the commission is made up of 12 members, including eight private citizens appointed by the Governor (there are now two vacancies) and four non-voting legislative members — Assemblymen Chacon and Willie Brown and Senators James Whetmore and H. L. Richardson.

The commission has four main functions according to statute. It is to hold hearings on, and in other ways study, all aspects of the problems of aging, and to advise the Governor on action needed to solve these problems. It is to assist local communities in developing programs to meet the needs of their senior citizens. It is to work closely with the various departments and agencies of the state to see that available resources are used as effectively and efficiently as possible in behalf of senior Californians. And finally, it is to act as a clearing house and information center on all aspects of aging for state and local public agencies, voluntary organizations, churches, industry, labor, and other interested organizations and individuals.

In practice, however, the commision's primary function has been to funnel the federal grants under the Older Americans Act to local programs to aid senior citizens in individual communities. To do this it employs a small staff headed by Executive Director David Baxter, who is appointed by the commission, with two staff specialists on aging (currently one position is vacant) and two clerical positions. It is their responsibility to review proposed programs, insure that an accounting system is installed, train local personnel, and aid in conducting seminars and other statewide activities pertaining to the grant programs.

Community Projects.

The commission is now administering 53 federal grants (amounting to a total of $670,000) for community projects which provide services to senior citizens

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in the areas of health (including nutrition), adult education, consumer assistance, housing, pre-retirement counseling, and employment referral. According to Baxter, who was appointed to the executive director position in June 1971, the commission is now trying to encourage the development of "multi-purpose service centers" which will combine convenience and a full range of services. Sixteen of the present projects are of this type.

Federal funding for these projects is provided on a three-year basis with the federal government providing up to 75 percent of the cost in the first year, 60 percent the second and 50 percent in the third. After the third year, the program or activity is expected to be fully funded by the local community. A recent survey which Baxter conducted indicated that 60 percent of the projects begun since 1966 have continued operating after the withdrawal of federal aid.

Criticism.

Whatever the merits of these projects, the commission has been severely criticized by members of the Legislature for failing to be more than a conduit for federal funds. Senator Zenovich, one of the new members of the Legislature's Joint Committee on Aging, said recently, "I do not think that the California Commission on Aging has really fulfilled its duties in regard to our senior citizens." Assemblyman McCarthy, who originally introduced the resolution to form the joint legislative committee, evidently agrees. "There is a need to supplement the activities and studies of the California Commission on Aging so that our older citizens may look to a legislative body for assurance that their problems are being given special consideration," he says, to explain the apparent duplication in the committee's objectives and the commission's statutory responsibilities.

Dave Baxter acknowledges that "legislation for the aging has not been a top priority of the Commission's until now." But he points out in defense of the commission that it has been severely limited by budget and staff cuts since 1967-68. If the commission's administrative budget is restored for the next fiscal year, Baxter expects the commission to reassume its statutory responsibilities and functions, which it has to a large degree neglected in the last four years.

Under the terms of the federal Older Americans Act, state support for the agency designated to administer the federal grants shall not fall below the level of such support for 1968-69. In the commission's case its 1968-69 state support was $102,000, but that was cut to $25,000 in 1971-72, or $77,000 less than required for participation under the federal law. As a result, the commission could have lost (and could still lose) its entire federal grant, the commission's only source for project funds. To avoid this, Baxter has arranged to obtain an additional $34,000 in interdepartmental "service center" fees, which will put the commission back in compliance for the last half of 1971-72, and presumably enable the commission to retain its federal grants. He obviously hopes, however, that he will not be forced to engage in this kind of juggling next year and that the Reagan administration will find the funds in 1972-73 to support the commission in full.

Democratic leaders in the Legislature charge that the apparent indifference Governor Reagan has shown toward the funding and activity of the Commission on Aging is a reflection of his attitude toward the aged in general. Rather than blame the commission for its apparent apathy, Speaker Moretti criticizes the Governor: "The current state administration has injured the elderly by slashing the budget and reducing the staff of the California Commission on Aging." With these and similar statements the Democrats have indicated that not only are they prepared to make the question of increased aid for senior Californian's a major issue in the 1972 session, but they are also likely to use the commision as a way to attack the Governor.

Senior Citizens Lobby.

Legislative advocacy by senior citizens organizations in Sacramento appears to have diminished considerably since the Townsend and "Ham and Eggs" movements in the 1930's. This can be attributed in some part to the fact that Social Security benefits and other old-age assistance programs have unquestionably improved the lot of most senior Californians since that time. Another factor, according to Assemblyman McCarthy, is the absence of "personality men" in the current leadership of senior citizens organizations. Quite obviously there is no one on the present scene to match the late George McLain, founder of the California League of Senior Citizens, and leader of numerous campaigns for old-age benefits in the 1930's and 1940's, who polled 646,387 votes when he headed a presidential delegation in opposition to Governor Brown's favorite son delegation in 1960.

This is not to say, however, that senior citizens organizations are unrepresented in Sacramento. Among the organizations which maintain a registered legislative advocate are: the Retired Public Employees Association of California; the California Retired County Employees Asociation (11 or 12 thousand retired county employees and their dependents); the Protective Council of California Senior Citizens (1000 members); and the California League of Senior Citizens. Among these groups the League, which is headed by George McLain Jr., is the most active, lobbying in both Sacramento and Washington and communicating to its members through the Senior Citizens Sentinal.

It is impossible, of course, to predict what success these and other groups are likely to have in trying to get the state's political leaders to respond in the next few years to the needs of elderly Californians. It is evident, however, that the 1970 census figures are likely to impress upon legislators and others the importance of a positive response, and that the recent White House Conference on Aging has given senior citizens a renewed awareness of their potential political power. Thus, it may be that old-age politics, which has such a strong tradition in this state, is about to undergo one of those periodic upsurges which seem to be necessary to enable elderly Californian's to gain their share of the economic and social rewards enjoyed by others.

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Interview: Chief Justice Donald R. Wright Discusses Judicial Council, Court Administration

The Honorable Donald R. Wright was appointed Chief Justice of California by Governor Reagan on April 6, 1970. A native-born Californian, Wright, 64, was first appointed a municipal court judge in 1953 by Governor Earl Warren. He was elected to the Superior Court of Los Angeles County in 1960. This interview was conducted in San Francisco on November 18th and was edited to fit these pages.

California Journal: The phrase "the crisis in the courts" must appear almost daily in the media. What are some of the areas that could be described as crisis areas within the court system today?

Chief Justice Donald R. Wright: First of all, I don't accept your premise that the courts are in such a state, at least the courts in California. Where other state courts are involved, that might well be true. It's certainly not true in California, although I don't mean to imply by that that there aren't improvements that can be made.

I suppose the single biggest problem is the constant cry of delay in the courts between the time a complaint is filed in a civil action and the time it's eventually disposed of. There is also the question of delay in the criminal trials, but I want to make absolutely clear from the beginning that such delays are self-induced by the defendants themselves or by the defense counsel. Under the very severe requirements of our penal code regarding the disposition of felony and misdemeanor matters, they are promptly disposed of if the particular defendant wants to have his matter heard.

But I think there is probably no area that causes more concern to the lay individual. He reads about these protracted trials and the delays that are incidental thereto, and quite naturally he's concerned. I can understand it. I don't know entirely what the cause is. I think partially it comes about because trial judges, on some occasions, lean over backwards to grant every request of a defendant.

Journal: Is it the general trend for the defense in criminal cases to use every conceivable device intentionally to delay the trials?

Wright: Either intentionally to delay or to publicize a particular issue for an extended period of time. It's both. In certain instances the type of attorney who is involved in certain criminal litigation is such that under no circumstance in the world could he ever dispose of the case, even the most minor case, in less than one month, two months, three months, you name it. A particular lawyer I know took, I believe, 120 days to try a case which was nothing but a petty theft with a prior conviction.

Journal: If, in fact, delay will work to the advantage of a defendant, do you think it is appropriate for the defense attorney to do everything he can to delay purely for the sake of delay?

Wright: No, I don't.

Journal: What are the professional ethics in this area as you see them?

Wright: The most comprehensive material on that was the ABA report upon the respective duties of the prosecutor and the defense counsel. If you'll study this thing you'll find that the conduct recommended for defense counsel under such standards are not the same as those employed by a great number of attorneys throughout the country. They are much more limited. There's no question that the philosophy has grown up that it's perfectly proper for a defense counsel to do anything, short of being a party to perjury, on behalf of his client. There is no question that is the direction it's gone.

Journal: What is this court doing to attempt to deal with this problem?

Wright: I don't think there is much that this court can do as a court. That isn't really the province of the Supreme Court. We take each case as it comes up individually and make a determination. There is no question that in certain cases which come up on appeal, in which the behavior of the counsel was such as to be deplorable, we could, by appropriate references in our opinion, point that out for the guidance not only of the particular individual involved but for the guidance of other attorneys. But that function, if you want to call it that, more properly belongs to the Judicial Council.

Journal: What is being done to speed up trials and to reduce delays?

Wright: A select committee to study court delay was set up at the insistence of Governor Reagan and myself. Also, we had a meeting last March of all the superior court judges from the larger counties of the state, and they adopted certain recommendations for the reduction of court delay. As far as I know, several counties were reluctant to accept those recommendations, but I believe that by now almost all of the counties have adopted them. I know Los Angeles County, at first, didn't want to go along at all with some of the recommendations — in the civil field, for example, the strict no continuance policy for matters which were on the calendar for trial. I know now they have such a program which is working.

Journal: There seems to be a growing problem regarding order in the court and disturbances in court.

Wright: That is real, there is no question. I would be the last to attempt to deny it, but I think sometimes the comments are all out of balance. For example, in Los Angeles County at the present time they have 149 superior court judges and, I suppose, in excess of 100 municipal court judges within that one county. You might find on occasion a court where such a problem does arise, but you should not overlook the fact that 99

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percent of the other courts are conducted in exactly the fashion that we historically think courts should be conducted. It is easy to highlight that one incident, and I don't want to say it doesn't exist, but please remember it's only on a few occasions, in a few courts.

Journal: Do you think that those exceptions are sufficient to warrant your concern as head of the Judicial Council?

Wright: Yes, they are sufficient. That's something that is on the mind of all judges. The problem of security is certainly something we all think about and something I have discussed with superior court judges, presiding judges, and other members of the Judicial Council. But we are aware of it, and we've asked, as you know, each court to look into its security problems.

Journal: Are there sufficient sanctions the courts may employ in dealing with attorneys who participate in courtroom disruptions?

Wright: Primarily the trial judge's control is limited to the power to impose contempt.

Journal: Do you feel that is an appropriate solution for that problem?

Wright: I think it can be a very effective one, but I don't know if, on occasions, it goes far enough. I must confess I am a neophyte in this. I have been a judge for over eighteen years now, and in that time I have never had an individual misbehave in the courtroom. I have never had to admonish an attorney except perhaps if he was asking an improper question or something. I have never found anybody in contempt. Maybe one of the reasons is that I don't know how to write a good contempt order that could withstand the appellate review. Possibly things have changed since I went on the appellate court in 1968. When some judges go on the bench, everybody in the courtroom knows who is running the show. This seems to be communicated to everyone. And there are some judges who do not have that capacity or that ability, and they are frequently taken advantage of as a result.

Journal: Do you think the Council on Judicial Qualifications is doing an adequate job in assuring that judges are carrying out their duties in a satisfactory way?

Wright: It does a magnificent job. It was one of the first in the country to be set up in an attempt for judges to police themselves. It has been copied throughout the country in state after state. We are repeatedly asked by other states how it works. I think it has been an unqualified success.

We have, what may be called the "invitational" system of retirement. When a judge reaches 70, he is invited to retire. Failure to do so will result in greatly reduced benefits to him. Any judge over 70 who is still very active and competent to perform, can be brought back on assignment through the Judicial Council. The result is that we do not have in California more than a handful of judges over 70. But there have been judges who have been on constant assignment into their 80's because they are such excellent jurists that there was a real reason to have them back. And the delightful part about it is that while a judge is back on assignment he draws full pay but must return eight percent to the retirement fund, so that the net result of it that we get these retired judges back for little or no additional cost to the taxpayers.

Journal: There's been a great deal of discussion of possible ways to reform both the petit and the grand jury. With regard to the petit jury, is there a general trend toward eliminating or reducing its size?

Wright: Well, there's been constant talk of it. There have been bills introduced to that effect, but they have had no success whatsoever in California. There has been talk of doing away with the jury trial entirely in civil actions in many instances as the British Commonwealth nations have done in personal injury matters, and such. They don't have a right to trial by jury. I think personally we're a long, long way from that. It's not going to happen in California, at least during my tenure, because I don't think the bar in California is ready for it, and I don't think they want it.

Of course in the criminal field juries couldn't be abolished. It is technically possible in certain misdemeanor cases where the punishment is less than six months, since the U.S. Supreme Court has ruled that you are not entitled as a constitutional right to trial by jury for a misdemeanor for which the punishment is six months or less. There is also a case pending before the U.S. Supreme Court to determine whether a unanimous verdict is required in criminal trials. I don't expect to see any changes in that in the next few years in California, however, nor do I expect to see the abolition of jury trials in the petty offenses.

Journal: Do you think the general trend toward smaller juries or absence of juries under certain circumstances poses a threat to the guarantee of a fair trial?

Wright: I personally, do not. Maybe I'm prejudiced, being a judge, but during my whole life — and I was a trial judge for many years — I would seldom have disagreed with the jury on the verdicts they brought in, and on those occasions in which I did, it was always because they convicted somebody who, had I tried it without a jury, I would have acquitted. There are so many little factors that play an important part. If you've got a big ugly guy who looks mean, you never put him before a jury, but if you have a fine looking young man, it doesn't matter how bad he is. If you bring in an individual charged with armed robbery and he's got one or two felonies in his background and he looks mean, the jury's going to convict him, regardless of how slight the evidence may be, although the trial judge has the last say, of course, by granting a motion for a new trial thus setting aside the judgment.

I think if there was a reduction in the number of jurors in civil actions and in petty offenses from, say,

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12 to 6, it would be a definite step in the right direction, and it definitely would cut the length of trials substantially — I'm not talking about felonies or capital offenses, I'm talking about misdemeanors — and I also think it would greatly reduce the cost.

Journal: Over the years there has been much criticism of the fairness of grand juries in terms of their failure to represent the broad spectrum of their communities. Do you agree with this criticism?

Wright: There has been criticism about the way the grand jury is selected in California. The members of the grand jury are selected from nominations made by the judges of the superior court, and quite naturally those judges may have certain limitations as to people they know. One of the bad parts of this life is that judges tend to know only other judges. But as far as I know personally, those charges are not fair, because I know, for example, that in Los Angeles County the judges use every possible means to secure the names of individuals who are of a minority race or who come from a different background economically, people from the poor segment.

The demands of grand jury service, of course, are such that very few people can afford to give up the time. In Los Angeles County it is a job that requires your presence never fewer than three days a week and more often five days a week. So you simply can't go out and take somebody who is a day laborer and expect him to serve when he could receive only five dollars a day for such service.

What you must always remember is that the grand jury — providing there is no prejudice or bias or intentional discrimination shown in its selection — is still only the indicting group which brings an individual before the courts. If there isn't sufficient evidence presented to the grand jury to hold that man to answer, all the attorney for the defendant has to do is to make a motion and the matter is going to be dismissed. The grand jury is not the group which tries any individual, and I think that's often lost sight of.

Journal: What about the allegations that the grand jury often fails to indict in cases of high level misconduct by public figures?

Wright: One of the blessings of the grand jury is that when rumors float around of misbehavior in high offices, often they are nothing but rumors, and the grand jury, because of its secrecy, can hear all of the evidence that's available. I would venture to say that if there is any shortcoming it would have to be in the prosecution, because that is the agency that presents the evidence to the grand jury, and if it doesn't present enough to hold an individual to answer, the grand jury has no other alternative but not to hold the man. So it protects individuals who are accused without the proof that it takes to get the matter before the courts. There may be instances of the opposite, I don't know, but in my rather long experience in dealing with grand juries I don't think that's a fair criticism.

Journal: The package of legislation which Assemblyman James Hayes carried this session to reorganize California's trial courts was opposed by the Judicial Council, as well as by the superior court judges of Los Angeles County. The Judicial Council has commissioned two studies of its own in this area, however. What are its findings?

Wright: The first report, which came out recently, was limited to the lower courts. There is a second study being carried on now which is directed at the superior courts. In that second study, one of the problems they will be faced with, one of the things they will have to make recommendations on, is whether it is feasible to have a single trial court in California.

Almost all judicial systems that have gone or have attempted to go in the direction of unifying the courts have found out in the end that they had to back away and set up a junior set of judges, call them whatever you want — magistrates, associate judges, commissioners. Illinois is one of the prime examples where they have tried a single trial court system, but when I talked to a justice of the Illinois Supreme Court at a meeting in Charlestown, he said they had set up a whole secondary system of associate judges. And, of course, the federal courts have gone that route with magistrates. Very frankly, for the dollar value, it is absurd to think that a superior court judge, drawing the salary he does, should be required to sit on small claim matters and traffic infractions and such. It's a waste of judicial manpower. It doesn't take a superior court judge to do that.

Journal: This is what was wrong with the Hayes legislation?

Wright: I'd say what was wrong was that there were many features which we thought were not carefully thought out. Our opposition to the Hayes bills had nothing to do with our relationship with Mr. Hayes. I have a great respect for him and personal affection for him. He's been a good friend of the judiciary. We simply thought the plan wasn't feasible. It wasn't feasible, in the end, for the one reason that it cost too much, and there wasn't that much money available in Sacramento, from what I've been told.

Journal: As Chief Justice, you have what are almost two full-time roles, a management role as the head of the court system and your judicial role. Is this difficult?

Wright: No question, it is. It's a very difficult role, but it's not an impossible role. I have learned that any kind of system like this has to run by reliance upon competent staff, that's all. There's no other way you can operate it. I think it comes sometimes as a shock to people, because they think of a judge operating as almost a single entity, but it just can't be that way. You have to operate with staff. The final decision in administrative matters, however, has to rest with the chairman of the Judicial Council, and if I make a goof I am responsible for it.

The Judicial Council has members from all levels of the judiciary, from the justice courts up to the Supreme Court. We also have members from the State Bar Association and members of the Legislature. So it is a very effective organization. One of the great benefits of it is the superb relationship created between the Judicial Council and the bar. I've been told that hasn't always been true, however, that there've been times when the State Bar and the Judicial Council have disagreed violently. I hope and expect our fine relationship to continue.

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Judicial Council Seeks to Reduce Court Congestion, Develop Uniform System of Judicial Administration

"Despite record outputs by the metropolitan superior courts," says a recent report of a judicial conference on court congestion in California, "there now exists a serious, mounting caseload in California courts that is of statewide concern in the administration of justice. The magnitude of the problem is demonstrated by the fact that between 1962 and 1970 the number of civil cases awaiting trial in the 16 largest superior courts has grown from 41,506 to 72,724 and, between 1965 and 1970, the number of criminal cases awaiting trial has increased from 3,413 to 9,208. Delays of from 20 to 30 months between the filing of a complaint in a civil case and the trial, and of about 120 days from indictment or information in a criminal case and the holding of a jury trial are now common in these courts."

These facts are undeniable, yet there is reason to believe that California has so far escaped the sort of court congestion "crisis" which has developed in major cities in other states. In large part this has been true because of the Legislature's willingness to provide additional judges to cope with the rising caseloads of the superior courts and a similar response at the county level, despite increasing difficulties in raising the necessary support funds. More recently, however, responsibility for attacking the problem of court congestion, and of finding ways of making the courts more efficient as well as larger, has fallen to the state's Judicial Council, a body which, in the opinion of Chief Justice Donald R. Wright, has come to play a major role in dealing with the state's formidable problems of court administration.

Growing Authority

Although the Judicial Council is little known to the general public, its work is well known among attorneys and judges throughout the state. Created in 1926 by constitutional amendment, it remained relatively inactive until the late 1940's, but since them, and especially in the past decade, it has become a major factor in shaping the structure and operation of California's courts. Originally, the council was made up of 11 judges with a limited staff working directly under the Chief Justice of the Supreme Court, who is *ex officio* chairman of the council. In 1960 and again in 1966, the membership of the council was expanded and its effective powers strengthened. The council now has twenty-one members, including the Chief Justice, one other Supreme Court judge, three judges of courts of appeal, five judges of justice courts, four attorneys, and one member of each house of the Legislature. The four attorneys are appointed by the Board of Governors of the State Bar Association, and the two legislators are appointed according to the rules of their houses, but the Chief Justice himself appoints all fourteen of the other judicial members (for two year terms), and thus has indisputable control over the workings and policies of the council.

According to the language of the state constitution, as amended last in 1966, the function of the Judicial Council is to "improve the administration of justice" by surveying judicial business and making recommendations to the courts, the Governor and the Legislature as to improving the rules for court administration, practice and procedure. In addition, the Chief Justice, as chairman, is directed to "expedite judicial business and to equalize the work of judges", who are in turn required to report to him concerning the "condition of judicial business in their courts".

In practice, this statement of duties translates into the following activities: the collection and analysis of statistics regarding workload and procedures of the state courts; reporting to the Legislature on the need for additional judges for specific courts; the conduct of studies to determine how the California Rules of Court and state statutes may be changed to improve court procedures and administration; publication of an annual report presenting statistical data on court workload and recommendations for changes in the rules and statutes governing court procedures; the conduct of studies to improve the operation of county courts; administration of qualifying examinations for justice court candidates; the conduct of "workshops" and "institutes" for judges on specific legal and court problems; and temporary assignment of judges, including retired judges, to courts which have an unusual caseload burden.

Administrative Office

To help in carrying out these responsibilities, the council is authorized in the constitution to appoint an Administrative Director of the Courts to serve at its pleasure, performing the functions delegated by the council or its chairman. The first person to fill this position, which was created by constitutional amendment in 1960, is Ralph N. Kleps, who previously served with distinction for many years as Legislative Counsel of the Legislature. The Administrative Office of the Courts, which Kleps directs, now has a staff of 31 positions and an annual operating budget of over $800,000. Its principal office is in San Francisco.

Most of the other states, including several with monumental problems of court congestion, have bodies similar to California's Judicial Council. But few, if any, other states, says Chief Justice Wright, can match California's structure for its effectiveness, which he and Ralph Kleps attribute in large part to the broad representation on the council and to its relatively generous staffing.

Wright himself obviously attaches considerable importance to the council and his duties as its chairman, more so, according to observers, than his immediate predecessor, former Chief Justice Roger Traynor. Wright came to the Supreme Court as Chief Justice in

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1970 well qualified for the position's administrative responsibilities. A graduate of Harvard Law School in 1932, Wright became a judge in 1953, and since then has served on every level of court in the state system. In 1960, when he was elected to the Superior Court of Los Angeles County, his first assignment was that of presiding judge of the Glendale district. He subsequently moved up to become presiding judge of the master calendar criminal department and then presiding judge of the probate court. In September, 1967, he was elected by his colleagues as presiding judge of the Los Angeles Superior Court, which position he held until December 1968 when he was appointed an associate justice of the Court of Appeal. In April, 1970, he was appointed to the Supreme Court. During the period when he served as presiding judge of the Los Angeles Superior Court, he also served one term as a member of the Judicial Council.

Recent Council Activity

During the nearly two years during which Wright has been chairman, the council and its staff, under Kleps' direction, have worked hard to keep the ever increasing caseload in the courts from creating the kind of congestion that has plagued other states. Among the new court rules adopted by the council have been measures designed to speed up the jury selection process in civil cases, to improve appellate proceedings, to clarify the transfer of criminal cases from one court to another, and to revise standards for the censure and removal of judges by the Commission on Judicial Qualifications. The council has also developed model systems for managing trial calendars and for administering civil and criminal cases before trial.

Special workshops and institutes attended by judges and court staff have also been used by the Council to attack the problem of congestion. For example, a workshop held in March of 1970, attended by 27 judges from metropolitan superior courts and 11 trial court administrators, resulted in recommended procedures, later adopted by the council, for cutting trial court congestion in the superior courts. A workshop this past June, attended by 48 appellate judges, dealt with the elimination of unnecessary delay in processing criminal appeals, the publication of appellate decisions, and the possible organization of an intermediate appellate court system.

Legislative Recommendations

Two years ago the Judicial Council recommended that an office of state public defender be established to represent indigent criminal defendants in the appellate courts. The proposed new office was to be filled by appointment by the council, which also recommended an operating budget of $1 million. Other 1970 recommendations of the council included: an increase in the number of research attorneys for the Courts of Appeal and the organization of a central research staff; the naming of an administrative judge, to serve at the pleasure of the Chief Justice, for the larger courts of appeal; creation of a subordinate judicial office, titled "traffic referee", to assist with the large volume of routine traffic matters in the municipal courts; clarification of the penal code provisions regarding the collection of penalty assessments; and the transfer from the Director of Finance to the council chairman of authority to approve salaries of those state judicial personnel who do not come under civil service.

Most of these recommendations were enacted by the Legislature, with the important exception of legislation to create the State Office of Public Defender, which was defeated in the Senate when Governor Reagan indicated his opposition. Similar legislation was introduced this year, (AB 1419 by Assemblyman Charles Warren) and passed both houses only to be vetoed by the Governor. Again, however, the council was successful in obtaining passage of a series of lesser measures.

Major Studies

Several large federal grants have enabled the council to undertake a number of major projects in the past few years which may have a very significant impact on the administration and operation of California's courts. One of these, the Traffic Court Coordination Program, which began in 1970 and is jointly financed by the state and federal governments, is intended to coordinate the implementation of a series of measures aimed at achieving statewide uniformity in traffic court procedure. A second project, which was begun in September, 1969, is a comprehensive three-year study of all aspects of trial court organization, the first phase of which is funded with $278,500 from the federal Highway Safety Act and the second phase with $38,480 from another federal source. The first phase, recently completed, was a detailed study of the effectiveness of the existing municipal and justice court structure, with emphasis on traffic cases. The second phase of the study is to extend the analysis to the superior courts to determine the feasibility and desirability of integrating the three trial courts into a single, unified court organization.

In 1971 Chief Justice Wright appointed a nine-member Select Committee on Trial Court Delay, composed of three judges, three lawyers, and three laymen to make an independent study of court congestion at the superior court level, and to recommend action to be taken to eliminate the problem. This study is funded with $70,000 in federal funds under the Omnibus Crime Control Act and $7,000 in state money and is to be completed by May 1, 1972. Other council studies in progress deal with the potential use of electronic data processing in court administration, a simplified traffic citation hearing system, calendar management for the superior courts, and development of a weighted caseload measurement system for measuring judicial manpower requirements in superior and municipal courts.

Court Unification

The Judicial Council has long been interested in achieving greater coordination and efficiency among the state's trial courts. A council study of the lower courts which was included in its 1947 report to the legislature gave impetus to a constitutional amendment that reduced the number of lower tribunals from six to two, the present municipal and justice courts. In the past few years continuing increases in the number of filings in the lower courts and in the superior courts, together with recurring jurisdictional questions, have again forced the council to consider the merits of reorganization and further consolidation.

The council wants more than a simple unification,

(Continued on page 347)

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The 1971 Tax Law Eases State's Fiscal Crisis, Postpones Major Tax Restructuring

When the 1971 Session of the Legislature opened back in January, members of both parties expressed a determination to enact a large-scale tax program which would not only eliminate the state's growing budget gap but also give the state's taxpayers a substantial reduction in their local property taxes. Ever since 1965 when legislators, led by former Assemblyman Jesse M. Unruh, made property tax relief — that is, a partial transfer of the tax burden from local property taxes to the statewide sales and income taxes — a major campaign issue, leaders of both parties have repeatedly pledged their supoprt for this objective. Thus, shortly after the opening of the 1971 session last January, Governor Ronald Reagan told reporters, "I don't think we can possibly face the people again if we don't keep the promise that both parties have made to provide real and meaningful tax reform."

Yet the tax laws which were finally enacted this year, on the second day of a special session called immediately after adjournment of the record 333-day regular session, contained no significant tax relief of the kind promised — nor any significant aid for schools and very little for the financially hard-pressed cities. There was some talk of trying again in 1972, but after the long struggle this year to pass the new tax laws, which are expected to raise $508 million in additional revenue in 1971-72, it seems doubtful that the Legislature will be willing to seriously consider this issue so soon again.

It is easy to criticize the Governor and legislative leaders for failing to live up to their promises, but there are a number of good reasons why major tax relief could not be enacted this session. For one, although Governor Reagan expressed strong interest in some form of tax relief throughout the session, it was clear that with an immediate budget deficit of more than $300 million (and the memory of the previous year's defeat in the Senate), the administration had little choice but to give highest priority to the adoption of a withholding bill which would provide the revenues necessary to close up the budget gap. The Governor also felt he had to insist upon some form of local expenditure controls as part of any "reform" plan, so that property tax relief would not simply be absorbed by increases in local tax rates. But as the debate went on, it became apparent that there may be no effective way to establish the kinds of expenditure controls on local government and the schools which the Governor wants, without seriously crippling those agencies of local government.

Then in August came the Supreme Court's decision in *Serrano v. Priest*, suddenly creating strong pressure against a major restructuring of the state's taxes until the school finance system can be reformed to meet the Court's test for nondescrimination. To some observers, even then, it seemed possible that the on and off negotiations between the administration and legislative leaders might yet produce a substantial tax relief package, until those negotiations were abruptly broken off for the Governor's trip to Asia on behalf of President Nixon. At that point it was clear that the prospects for passage of a large-scale relief measure were zero.

Fall-Back Proposal

Thus, in the last weeks of the regular session, attention shifted to AB 185, carried by Assemblyman Bagley and described by him as a "mini-tax" package, which was then awaiting hearing in the Senate. Bagley had to work hard to get his bill past the Senate Revenue and Taxation Committee, which gave its suport to a somewhat similar bill, SB 523, carried by the committee chairman Walter W. Stiern. But by the time the two measures got to the Senate Finance Committee, the Democratic leadership aparently had decided that the Republicans should get credit for passing the major tax bill, and so it was the Bagley bill which was reported to the Senate floor.

By then AB 185 had sufficient support in both houses for passage before the end of the regular session, but it was held up in the Senate at the last minute as a bargaining tool in the reapportionment fight. When the Assembly passed AB 185 just before adjournment, in fact, Senate President pro Tem James Mills bitterly accused Assembly Speaker Bob Moretti of breaking an earlier agreement to hold the bill and making it apear that the Senate alone was responsible for blocking the measure. Thus, as soon as Governor Reagan called a special session to deal with taxation, and then agreed to Democratic demands that he add reapportionment to the call, the Bagley bill, which had become AB 1 of the special sesion, was quickly reported out of conference committee to both houses. On December 7th AB 1 passed the Senate 27-4, with 16 Democrats and 11 Republicans voting for it, and the Assembly 57-12, gaining suport from 28 Democrats and 29 Republicans.

Withholding Plus

Although the new tax law provides no significant new property tax relief for the average taxpayer, it goes considerably beyond merely enacting the withholding of personal income taxes. Among the other important provisions are: imposition of a 2.5 percent minimum tax on "preference income" which has heretofore been free of state taxes; extension of property tax relief for elderly persons to nearly all who own their own houses; a significant revision of taxes on capital gains; and an increase in the corporate tax rate.

Withholding is to go into effect January 1st for all employees except agricultural labor, domestic workers, ship crews, paper boys, members of the armed forces

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Summary of Estimated Revenues and Expenditures Provided by the 1971 Tax Law — AB 1 and AB 2109
(In Millions)

Revenues	1971-72	1972-73	1973-74
1. Withholding, effective Jan. 1, 1972	$650	$210	$175
Less:			
a. Delay in compliance	—15	15	—
b. 20 percent credit on 1971 taxes, excluding capital gains	—215	—5	—
2. Addition of 11 percent tax bracket, Jan. 1, 1973	—	—	50
3. Revision of capital gains rates, Jan. 1, 1972	—	37	42
4. Increase in corporate tax rate from 7% to 7.6%, Jan. 1, 1972	18	50	54
5. Increase in minimum franchise tax from $100 to $200, Jan. 1, 1972	5	7	7
6. Federal conformity Provisions:			
a. Acceleration of inheritance tax collection, Jan. 1, 1972	—	66	68
b. Reduction of oil and gas depletion from 27.5% to 22%, Jan. 1, 1972	7	5	5
c. Acceleration of corporation tax collection, Jan. 1, 1972	9	23	3
d. 2.5% minimum tax on preferential income	31	29	32
e. Other conforming elements	11	15	21
7. Interaction of AB 1 changes	—	32	21
Sub Total, AB 1	$501	$484	$469
8. AB 2109: candy and gum exemption; increase in taxes on hot take-out foods and private sales of automobiles; acceleration of gift tax collection	7	16	17
Total revenues	$508	$500	$486
Expenditures			
1. Amount required to balance state budget.	$310	$340	$390*
2. Capital outlay**	150	—	—
3. Continuation of 30% business inventory exemption with revised funding system	21	90	103
4. Revised open space revenue loss reimbursements	—	13	15
5. Increase in senior citizens property tax rebates	—	46	50
6. Administrative costs	7	7	6
7. Interest cost savings	—5	—10	—10
	$483	$486	$554*
Estimated Surplus or Deficit	$ 25	$ 14	$—68*

Source: AB 1 conference report prepared by Legislative Analyst.

*The Department of Finance estimates the 1973-74 budget balancing need at $340 million, total expenditures at $504 million, and a potential 1973-74 deficit of $18 million.

**Actual expenditures are limited to $50 million per year, thus increasing the cash surplus for 1971-72, but not the free surplus available for appropriation.

on active duty, and exempted employees of interstate carriers. Employers who withhold more than $100 in income taxes each month or more than $50 in state disability insurance contributions will be required to remit the withheld amounts monthly. Other employers will do so quarterly. Persons who earn $1,000 or more from sources other than salaries and wages (or $500 in the case of married persons) will be required to make quarterly payments based upon their estimated tax liability if that tax liability exceeds $100 (or $50 for married persons).

Because some large employers may have difficulty in adapting their payroll systems to state withholding in January, it is expected that roughly $15 million in employee income taxes will not be collected until employers make their final 1972 withholding reports early in 1973. In addition, revenue for 1972 is to be cut by an estimated $215 million to give taxpayers a 20 percent reduction in their taxes on 1971 income (excluding capital gains, for which there is to be no reduction), so as to soften somewhat the initial impact of withholding for those who will have to pay some or all of their 1971 income taxes, as well as their 1972 taxes, out of their 1972 income.

Single taxpayers who earn more than $15,500 and married taxpayers who earn more than $31,000 will have their state income taxes raised next year (effective January 1, 1973) when a new 11 percent bracket is added on top of the present maximum bracket of 10 percent. Wealthier taxpayers will also be hit by changes in the taxes on capital gains. At present, income from the sale of property which is held for more than six months is taxed at only 50 percent of the rate applied to a taxpayer's other income. Beginning in 1972, a new schedule goes into effect: income from property held less than one year will be taxed at the regular rates; income from property held from one to five years will be taxed at 65 percent of the regular rates; and only income from property which is held for more than five years will be taxable at 50 percent of the regular rates.

Corporate Taxes

Corporate income tax rates go up from seven percent to seven and six-tenths percent, and the current minimum tax of $100 is to be doubled. In addition, under a series of provisions which bring state tax law into conformity with the federal Tax Reform Act of 1969, corporate tax collections are to be accelerated by requiring quarterly rather than semiannual payments. Together, these three provisions will raise $32 million in additional revenue in 1971-72 and $80 million in 1972-73 (thus offsetting the cost of the 30 percent business inventory exemption from sales taxes which will cost $21 million in 1971-72 and $90 million in 1972-73).

Other "conformity" provisions include: acceleration of inheritance tax colections, making such taxes payable within nine rather than 24 months; reduction of the oil and gas depletion allowance from 27.5 percent to 22 percent; and imposition of a 2.5 percent minimum tax on "preference" income above $30,000. Although a number of legislators sought a greater reduction in the depletion allowance, it seemed evident from the outset that conformity with federal tax law at 22 percent was all that could be expected. According to

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1971 Legislative Session

What It Did and Did Not Accomplish

The 1971 Regular Session which ended officially on December 2nd (although the session continued with the clock stopped into the early hours of December 4th and was to reconvene on January 3rd, for the constitutionally required Veto Session), was the longest on record, running 333 calendar days and nearly 200 legislative days in session. This does not count the First Extraordinary Session which was called by the Governor on December 6th, recessed on December 7th, reconvened on December 17th, and recessed again on December 20th until January 3rd, 1972.

Many observers have charged that the 1971 session was singularly unproductive, especially in view of its length and the important problems confronting the people of the state. There is obvious justification for this charge, yet, as the following summary demonstrates, a large number of very significant measures were considered by the Legislature, and more than a few bills of consequence were passed. (Our summary, it should be acknowledged, very probably omits mention of several bills which individual legislators and interested groups will feel should have been included in any such summary.) Moreover it must be kept in mind that there were a number of factors at work in 1971, over which the legislative leadership had little control, to block most of the major legislation which was proposed. Chief among these were the partisan division between the Governor and the legislative majorities, the Governor's exceedingly firm grip on the state's purse strings, the evident resolve of minority party in the Legislature to put party unity above all else, and the narrow numerical margin enjoyed by the new leaders of the majority party in each house. These and other factors enabled Governor Reagan to dominate the Legislature throughout the session.

The major issues before the Legislature were, in time, resolved, with the possible exception of reapportionment, which cannot at this moment be said to have been resolved. The budget was enacted, essentially in the form the Governor wanted. A tax bill was passed to give the state necessary additional revenue. Welfare and Medi-Cal "reform" laws were signed into law. And there were a number of other important laws passed; including voting and legal rights for 18- to 21-year-olds, tax relief for senior citizens, and automobile repair dealer licensing.

On the other hand, relatively little was accomplished in the fields of environmental protection, urban affairs, housing, and education. The very serious question of how financial support for the public schools is to be restructured following the *Serrano* decision was put off until 1972. Little was done to combat a continuing economic recession. Fundamental questions concerning the basic objectives and form of public assistance programs remain unanswered. Significant changes in the state's criminal justice system were postponed. It was, in sum, a session which often held out promise of significant action but which was very seldom able to carry out that promise. By the end of the year, it seemed that legislators themselves had become unusually open in expressing their own personal discouragement.

It may also be that 1971 will turn out to have been the final year of transition from the conventional state legislative pattern, in which the Legislature used to come to Sacramento for roughly half the year, act on the issues before it and then go home, to a new pattern which is virtually identical to that of Congress and which cannot be judged easily in terms of each year's actions (or lack of action) but only over periods of two or even three years. The complexity of the issues before the Legislature, the reluctance on the part of legislative leaders to let the Governor have the whole stage for any extended period, and the desire on the part of sponsors of major legislation to keep their bills alive, all push the Legislature in this direction. It remains to be seen whether there is any real interest in reversing this development.

At the time this summary was being completed there remained on the Governor's desk a large number of bills whose final fate had not been decided. Bills which are subsequently vetoed by the Governor, will be reported in the next issue.

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AGRICULTURE

Market management, labor laws, and pesticide regulation were the three big farm issues of the 1971 session.

Market Management. SB 522 (Way), permitting the imposition of market quotas for the canning peach industry was carried all the way to the Governor's desk by producer organizations led by the Agricultural Council, the voice of California farm cooperatives. However, the State Board of Agriculture, headed by Farm Bureau President Allan Grant, and the Department of Agriculture attacked the measure as contrary to the free enterprise system, and this, together with opposition from processors and land companies, proved sufficient to secure Reagan's veto. Another proposal, AB 1179 (Murphy), which would have extended to manufacturing milk producers the pricing and supply management controls now applicable to fluid milk was sent to interim study in July by the Assembly Committee on Agriculture.

Among the marketing bills enacted into law in 1971 were SB 557 (Marler), which authorizes the Department of Agriculture to permit an allowance for shipping costs of subdistributors who purchase milk in one pooling plan marketing area for sale in anothher; SB 1425 (Zenovich), which increases marketing license fees to fund state enforcement activities; AB 702 (Mobley) which authorizes the assessment of nonbearing as well as bearing acres of a commodity for marketing order; AB 1134 (Porter), which changes the base for assessment fees paid by producers and handlers of milk to support the California Dairy Council; and AB 1561 (Davis) which will prevent the sale of Grade B size potatoes on the fresh market.

Farm Labor. Two hardy perennials, the extension of labor-management law and unemployment insurance benefits to farm workers, were fought over throughout most of the session, as several parties to earlier fights changed their positions, and Ceasar Chavez's UFWOC emerged as an effective pressure group in the capitol. The California Agricultural Conference led a united front of farm groups in advocating the enactment of a state labor relations act for agriculture, a posture that as late as 1969 had been the exclusive province of organized labor, and which even last year was anathema to most of its current supporters. One bill to accomplish this, AB 964 (Cory), squeaked out of the Assembly Industrial Relations Committee, after extensive amendments, supported by farm owners and the Teamsters Union and opposed by UFWOC, the State Federation of Labor, and right-to-work groups. The bill subsequently died in Ways and Means Committee after nationally prominent Democrats interceded in behalf of UFWOC, which felt that the mandatory election and secondary boycott prohibitions in the bill would jeojardize its organizing efforts. After the demise of AB 964, farm owners amended the provisions of a 1969 proposal by the State Federation of Labor into SB 40 (Harmer) and succeeded in pushing the bill through the Senate to the embarrassment of its former proponents. However, SB 40 died in the Assembly when its backers were unable to line up enough votes for passage by the Industrial Relations Committee. A Sacramento-based "Farm Workers Secret Ballot Election Committee" is currently attempting to gather sufficient signatures to place an initiative on the ballot in 1972, but agricultural leaders appear to be shying away from this proposal as technically deficient and tactically unsound.

An uneasy coalition of labor groups and the California Grange succeeded in gaining passage of AB 1355 (Fenton) to give unemployment insurance to farm workers, but the bill was vetoed by Governor Reagan. The Grange, California's number two general membership farm organization, split with other farm groups in arguing that unemployment insurance will help agriculture because farm workers will receive twice as much in benefits as farm workers pay in new taxes. Labor organizations were concerned that the predicted unemployment insurance fund deficit would upset their negotiations with employer representatives and legislators to broaden other social insurance benefits, but nevertheless joined behind UFWOC in pushing the bill through the Senate. Employers contended that unemployment insurance is a federal responsibility and that cost saving reforms related to seasonal employees should have been given greater consideration.

Pesticide regulation. A spate of pesticide regulation bills were introduced, but when the dust settled the only major survivors were two bills backed by the Department of Agriculture and given some support by farm groups as well as conservationists. SB 1021 (Nejedly), provides for licensing and other controls for "pest control advisors" (typically sales representatives of chemical firms) and establishes a new system for controlling pesticide use based upon locally administred permits. SB 825 (Beilensen), imposes a new tax on pesticide sales, and grants $600,000 of the new revenue to county officials who are responsible for the enforcement of pesticide controls in the fields.

A proposal to ban all chlorinated hydrocarbons, AB 552 (Ryan), died quickly in the Assembly, signalling the wane of this issue in the wake of the Department of Agriculture's near-total phase out of DDT. However, an attempt by California Rural Legal Assistance to establish a detailed new set of employee safety requirments for pesticide use under the jurisdiction of the public health officials in SB 432 (Petris), made it all the way to the Assembly floor before being killed by farm owners. AB 327 (Wood), making it unlawful to transport or handle pesticides except in compliance with departmental regulations, was enacted into law.

BUSINESS AND PROFESSIONS

Insurance. The "California Crime Insurance Act of 1971", AB 2323 (Fenton), creates a state program to guarantee of availability of crime insurance to businessmen in high crime areas. The act, which was supported by the State Department of Insurance, provides that businesses in high crime areas which are unable to obtain crime insurance will be covered under a Crime Insurance Pool. Insurance against direct loss to real or tangible personal property by burglary, robbery, theft, larceny, and similar crimes will be written through the Crime Insurance Pool composed of private insurance companies licensed to do business in California. Losses suffered by insured businesses will be borne initially by the pool, up to the first 105% of losses and expenses. The state will contribute up to $500,000 above that percentage, and amounts in excess of the state contribution will again be borne by the insurers in the pool.

Health Care. SB 283 (Teale) creates a California Hospital Commission charged with responsibility for requiring all hospitals within the State of California,

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except federal hospitals, to file, for public disclosure, uniform reports of their costs for the provision of health services. Hospitals will also be required to provide a balance sheet detailing their assets, liabilities and net worth at the end of each fiscal year, and a statement of income, expenses and operating surplus or deficit, etc The commission is empowered to establish rules and regulations affecting business management practices of hospitals coming under its jurisdiction. The fundamental intent of SB 283 is twofold: to encourage economy and efficiency in the provision of hospital services and to stabilize hospital costs by means of public disclosure of their finances.

AB 449 (Duffy) establishes a Council on Continuing Education for Health Occupations for the purpose of setting standards for continuing education for licensed vocational nurses and registered nurses.

Employment Agencies. SB 28 (Song), is expected to eliminate certain abuses in the employment agency business by restricting the level of fees charged. The principal provisions are: each applicant must be shown a copy of the agency's fee schedule and payment terms before counseling begins; the applicant shall not be charged a fee in excess of his or her actual earnings; and applicants who are employed on a temporary basis (i.e., less than 90 days) shall not pay fees in excess of 1/90th of the fee for permanent employment for each consecutive calendar day during the period the applicants are employed.

BUDGET AND TAXATION

Review of the annual Governor's Budget, passage of the Budget Act for 1971-72, and adoption of a revenue plan necessary to balance the budget were, as usual, among the half-dozen major issues before the Legislature and the focus of tough negotiations and some bitter wrangling between the legislative leaders and the Governor.

Budget. When the Governor unveiled his 1971-72 budget in February, he himself termed it "austere" and admitted that it was out of balance by some $220 million, to be made up by unspecified savings in health and welfare programs. The budget immediately came under heavy fire from legislative leaders, not only because of cuts in popular spending programs but because of the questionable manner in which it was proposed to make other savings (see *California Journal*, Feb. 1971, p. 32). By the time it had passed both houses of the Legislature, the Governor's original $6.7 billion budget had been increased by $554 million, making it approximately $800 million out of balance in relation to estimated revenues. Added by the Legislature were salary increase funds for civil service employees and faculty, additional school aid, and support for higher education, and increases in the budgeted expenditures for corrections, the Highway Patrol and mental hygiene. The Governor had the last word, however, for before he signed the final act on July 3rd he used his item veto powers to delete $503 million, nearly all that had been added by the Legislature. As usual, efforts to override the Governor's vetoes failed.

Summary of Budget Actions
1971 Session

	State Operations	Capital Outlay	Local Assistance	TOTAL
Governor's Budget	$1,820	$676	$4,243	$6,739
Assembly Version	1,972	696	4,345	7,014
Senate Version	1,970	726	4,565	7,261
Conference Compromise	1,984	718	4,591	7,293
Governor's Vetos	—241	—20	—242	—503
Final Budget Act	1,743	698	4,349	6,790

State Taxes. The increasingly serious state fiscal crises, which forced the state to borrow twice in 1971 against future tax revenues, coupled with continuing partisan interest in tax "relief" and tax "reform", made taxation one of the three or four most important issues of the 1971 session. Negotiations between the Reagan administration and legislative leaders nevertheless failed to produce a compromise which would provide the large-scale property tax relief both sides said they sought, and it was not until the governor called a special session following adjournment of the regular session that a compromise tax measure was passed and sent to the Governor. The principal bill AB 1 (Bagley), and a companion measure, AB 2109 (Bagley), are expected to provide $508 million in additional revenue in 1971-72, largely through the initiation of a withholding system for state income taxes, an increase in corporate taxes and a series of changes intended to bring state tax laws into conformity with federal laws. (For details see page 339.) The bills do not provide for a general increase in either the income or sales taxes. The revenue from the new laws will go toward balancing the 1971-72 state budget, capital outlay for education and outdoor recreation, expansion of senior citizens' tax relief, and to reimburse local government for business inventory and open space tax relief.

Owners of racehorses won a reduction in the taxes on their animals and, together with track owners, a very substantial increase in their "take out" from parimutuel betting pools with passage of AB 205 (Cullen). In November AB 205 became the vehicle for a "comprehensive" legislation agreed to by racehorse and track owners which revises geographic zones for race scheduling, increases the number of weeks of harness and quarter horse racing each year, increases the take out from parimutuel pools by one-half percent, continues exempt "breakage" on a permanent basis, and substitutes a uniform annual fee for racehorses (similar to the motor vehicle fee) in lieu of the property tax. The new in lieu tax is said to result in no net change in state revenue from that source. The state will gain some additional revenue from the lengthening of the racing season, but the real winners are the track and racehorse owners who have increased their take by 1.75 percent in two years, for an estimated increase in income of $27 million.

Local Revenues. California counties and cities again pressed the Legislature for new tax authority to aid them in meeting the rapidly growing costs of local government, but met with only mixed success. The so-called "tipplers tax" on drinks served in bars was once more defeated. However, late in the session, SB 565 (Stiern) was passed authorizing an increase in motor vehicle license fees from 2 percent to 2.65 percent beginning January 1, 1973. This act is expected to raise some $76 million in additional revenue, to be divided between the cities and counties. Local government will also benefit from passage of SB 325 (Mills), which extends the sales tax to gasoline and provides that the added revenues, estimated at $179 million per year, shall go to local public transportation agencies.

AB 2226 (Duffy), which authorizes the state to

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charge parents of retarded children for care of their children in state hospitals, rather than billing the counties $20 per month per child, is expected to save the counties $3.5 million per year.

Tax Relief. Although the state tax package provided no reduction in property tax for most taxpayers, it did provide that the county tax bills show clearly how much tax relief has been provided in previous sessions. In addition, two other measures were passed which may be of benefit to homeowners. SB 1006 (Holmdahl) permits boards of supervisors to grant taxpayers who file for the homeowners partial property tax exemption after the deadline to still receive 80 percent of the exemption upon showing reasonable cause. ACA 44 (Gonsalves), which will go on the November ballot, will require the assessment of property used exclusively as a home site to be based on actual use rather than the "highest and best use" (market value).

Miscellaneous. AB 360 (Bagley) requires the Department of Finance to show in the annual Governor's Budget the loss in revenue each year to state and local government as a consequence of tax exemptions granted in the past. In this way the budget will show not only direct expenditures but indirect expenditures in the form of tax subsidies which are part of state fiscal policy.

CONSUMER PROTECTION

Consumer groups, represented by the fledgling consumer lobby in Sacramento, won several important victories in 1971. Perhaps the two most important consumer bills which were passed were those dealing with funeral parlors and auto repair shops. SB 1268 (Beilenson), which previously had been defeated five years in a row, establishes disclosure requirements for funeral parlors and requires that customers be given printed price lists for services and caskets. SB 51 (Beilenson), requires automobile repair dealers to be registered with the Bureau of Automotive Repair before engaging in business in California.

Credit and Sales. Credit card users obtained new protection under SB 97 (Song) requiring credit card issuers to correct any billing errors within 60 days or forfeit the amount in dispute. The new law also provides that treble damages may be awarded to cardholders for injuries arising out of uncorrected billing errors.

The right of a buyer to cancel a door-to-door sales contract has been assured with the signing of AB 289 (Fenton). The new law permits a buyer to cancel at any time a contract for goods sold door-to-door if the contract fails to advise the buyer of his right to cancel and the seller fails to provide a cancellation form. Once the seller has complied with these conditions, a buyer has until midnight of the third day to cancel. A related measure, AB 1300 (McCarthy) gives buyers of lots in rural subdivisions a 14-day "cooling-off" period before their purchases become final. The bill also gives the State Real Estate Commission authority to deny a permit to a proposed rural subdivision which does not make adequate provision for financing all development costs.

Mail order firms which transact business in California and which cannot make delivery of goods sooner than six weeks after receipt of an order will be required to state that fact in their advertisements under the terms of AB 2316 (Fong). If delivery cannot be made in six weeks and the company does not advertise the fact, it must make a full refund, notify customers of delay, or substitute comparable goods. Legislation to reduce the monthly interest rate on retail installment and other credit sales contracts to one percent per month, or 12 percent per year, was introduced by Senators Alfred Alquist and George Moscone. Both measures were defeated.

Collection. Among the numerous bills introduced this year to regulate collection practices, the most important bill to pass was AB 2073 (Bill Greene) which prohibits a collector from sending a debtor any communication simulating a legal document.

Legislation introduced for the third consecutive year by Assemblyman Henry Waxman to abolish the controversial auto deficiency judgment was killed again in the Senate, on a 14 to 19 rollcall. Four Democrats and fifteen Republicans voted against the bill, AB 620, which was opposed by auto dealer associations, banks, and finance companies. The measure, which had the support of the Department of Consumer Affairs, would have outlawed suits for the balance owing on a used automobile when a debtor has defaulted in payments and the vehicle is repossessed.

Attempts to pass a repossession act for consumers failed when Senate and Assembly versions of the same bill died in committees. AB 2012 (Waxman) and SB 852 (Song) requiring creditors to give debtors 15 days' notice before repossessing consumer goods, also were defeated.

Insurance. There was considerable support this year for an attempt to place automobile insurance on a "no fault" basis. Modeled after the Massachusetts statute which became effective this year, the plan would require a victim's insurance company to immediately pay damages and medical expenses resulting from an automobile accident, regardless of whose fault the accident was. All licensed drivers would be required to purchase no-fault coverage. Assemblymen Carlos Bee, Leroy Greene, Jack Fenton, and Senators Clark Bradley and Anthony Beilenson each introduced a version of this plan, but only Fenton's bill, AB 1505, passed its own house. AB 1505 subsequently died, however, in the Senate Judiciary Committee. Senator Song, chairman of the committee, has announced that a study of the "no-fault" concept will be conducted next year and appointed an advisory commission to draft a new bill.

Packaging and Labelling. Assemblyman Mike Cullen and Senator Anthony Beilenson reintroduced their unit pricing proposals (AB 70 and SB 374) this session but again without success. A priority consumer issue, unit pricing which requires commodity labels to show the price per unit of weight, has been set aside for interim study.

Several measures to require freshness expiration dates on perishable foods and dairy products, the so-called "pull date", also failed again, as did a number of bills to upgrade food standards, packaging, and labelling practices.

All truth in drug labelling and advertising proposals were defeated except for AB 1404, (Crown) which declares a drug to be misbranded if its label does not contain the name and address of the manufacturer who produced the drug in finished dosage form. Another bill, AB 351 (Crown), would have required a potency expiration date to appear on a drug in packaged form, but it was vetoed by the Governor. Reagan

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called the bill unnecessary on the ground that "the Health and Safety Code already requires expiration dates for drugs liable to deterioration." An attempted override of the veto was unsuccessful.

Advertising. Several Assemblymen and Senators carried legislation to regulate various advertising practices. AB 2640 (Ralph) would have prohibited the use of the term "free" in connection with an offering or a free gift unless all conditions under which the gift was offered were spelled out in the advertisement. The bill passed both houses of the Legislature but died when the Assembly, at the author's request, refused concurrence in Senate amendments. Two mesures, AB 1583-84 (Gregorio), require that a seller who advertises a gift or prize as part of a door-to-door sales program, or who offers a gift with the purchase of some product, must inform the customer of his intention to make a sale.

Miscellaneous. Two bills, AB 592 (Campbell) and AB 306 (Braithwaite), intended to stop the sale of drivers' licenses and auto registration records by the Department of Motor Vehicles did not succeed. However, AB 826 (Vasconcellos) which permits the assessment of a $300 maximum penalty for the unauthorized use of a person's name or photograph for commercial purposes was passed and signed by Reagan.

SB 742, (Song), extends the 1970 Song-Beverly Consumer Warranty Act to mobile homes and auto and appliance parts. Another bill, AB 2231 (Waxman), would have imposed a 30-day warranty on repair services and improvements made to consumer goods, but it failed to win passage in the Assembly Judiciary Committee.

The inability of many Spanish-speaking persons to understand sales contracts printed in English when the sales promotion is given in Spanish was the target of several Assembly bills but all were defeated.

SB 28 (Song), which sets maximum rate and fee schedules for employment agencies, strengthens refunding requirements, and prohibits the use of fictitious names by agency counselors for advertising purposes, was successful. Assemblyman John Burton won passage of his two "dangerous toy" bills: AB 843, which bans the manufacture and sale of toys depicting torture as well as toys resembling bombs or grenades, and AB 1108 which classifies toys which pose an electrical, mechanical, or thermal danger as "hazardous substances" to be regulated by the Departmnt of Public Health.

CRIMINAL JUSTICE

Few of the bills offering solutions to the problems of prisons, crime, criminality and the courts in California survived the 1971 session of the Legislature, despite the growing public concern over these matters portrayed by the national and state news media. Two measures approved by the Legislature but vetoed by the Governor were AB 1181 (Murphy) to set up an Office of Ombudsman for Corrections to handle complaints on criminal justice and to conduct investigations of the Department of Corrections, and AB 1419 (Warren) which would have created a State Public Defender for indigent cases on appeal. The public defender proposal, which was passed and then vetoed in 1970, also, had strong support in the Legislature and the backing of the Judicial Council and the Attorney General but was vetoed for the second year in a row.

A major proposal to unify the trial courts in California into a single superior court was killed in the Senate Judiciary Committee, largely on the recommendation of the Judicial Council, which is preparing its own version of trial court reorganization for introduction at the 1972 Session. The annual attempt to abolish the death penalty was also defeated.

Crime. SB 819 (Deukmejian) authorizes counties which have "detoxification centers" to place persons arrested for intoxication in such centers rather than sending them to jail. Although the new law is permissive, it is expected to bring an end, eventually, to the use of county jail drunk tanks, where no attempt is made to rehabilitate or at least to "dry out" alcoholics. It is estimated that in 1970 there were more than 250,000 arrests for public drunkeness, producing about 40 percent of county jail prisoners. Most of the counties are likely to seek financing from the state so that they can develop detoxification centers with sufficient capacity to handle the number of persons arrested.

SB 347 (Deukmejian) makes it a crime to falsely report that a bomb has been placed in a public or private place. SB 482 (Lagomarsino) makes it a felony to advocate the killing or injury of a peace officer, if the officer is killed or injured, and a misdemeanor otherwise.

Miscellaneous. SB 1633 (Marler) directs the state to reimburse a county for the cost of a criminal trial when the cost will exceed the amount which can be raised by five cents on the local property tax. AB 2552 (Moretti) creates a Commission on Victims of Crimes of Violence to administer payments to victims of such crimes. The measure also increases the maximum payment from $5,000 to $25,000 and calls for a 10 percent addition to court fines (excluding traffic fines) to raise the necessary funds.

SB 1481 (Way) establishes a procedure by which an individual may gain authority to review and correct, if necessary, any file pertaining to him which is maintained by the Bureau of Criminal Information and Investigation. SB 353 (Kennick) modifies the formula for probation subsidies to counties, which is intended to give counties an incentive to expand community probation programs as an alternative to sending convicted criminals to state prisons.

EDUCATION

District organization, teacher tenure and dismissal provisions, school district insurance, the voucher plan, and school financing were among the principal issues for 1971 session regarding the public schools. In higher education there was very little action apart from efforts to provide salary increases for University and state college faculty and passage of the state college "name change bill".

District Organization. Several years ago, convinced that California had too many small, uneconomical school districts, the Legislature passed a series of measures to encourage district consolidation and unification (kindergarten through high school). This year the Legislature reversed itself somewhat by passing SB 878 (Marler), eliminating mandatory unification elections for the remaining elementary and high school districts and SB 1605 (Bradley) which provides that the $20 per pupil bonus for districts which vote to unify will not be granted to districts which hold unification elections after June 1972. A third measure, which would have deleted education code language expressing the Legis-

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lature's intent that all districts unify, was defeated in the Assembly.

Several bills were introduced which dealt with reorganization of the large Los Angeles Unified School District. The compromise measure finally passed by the Legislature provided for the decentralization plan already implemented by the district as a way of making the schools more responsive to community interests. The bill, AB 2716 (Warren), also provided for advisory councils for each of the 624 Los Angeles Schools, with a majority of their members elected locally. The Board of Education would have been increased from seven to eleven members with the four new members to be elected, one from each of four districts, with the other seven to continue to be elected at-large. The bill was vetoed by Governor Reagan, an action requested by the Los Angeles board.

School Finance. Several major school finance bills were considered this session, although it was evident from the outset that any increase in state aid was dependent upon what the Legislature and the Governor would finally agree to in the way of new taxes. The State board of Education sponsored legislation to provide a $400 million increase in state aid, financed in part through the adoption of a $3.75 statewide property tax. This proposal was carried by the Assembly Education Committee chairman, Leroy Greene, in AB 1406, and by Senate Education Committee chairman Albert Rodda in SB 801. Both measures died in committee, however, in the face of overwhelming opposition to the statewide property tax. In the Assembly the principal school finance bill was AB 144 (Greene), which, as passed by the Assembly Education Committee, would have provided $246.4 million in increased state aid for the public schools. In the Senate the principal bill was SB 129 (Rodda) which, as first amended by the Senate Education Committee, would have provided $318 million in new aid. Although both bills eventually moved through their own houses it was apparent that they were intended primarily as devices for putting pressure on the Governor and that the tax negotiations held the answer to how much, if anything, the schools would get in additional aid in 1971-72. A budget augmentation of $100 million for school aid was vetoed by Governor Reagan on the grounds that additional aid was unnecessary. When the tax negotiations repeatedly broke down before finally producing agreement on a "mini-tax" package, it was clear that there would be no additional state aid this year.

A $350 million school construction bond issue, AB 75 (Dent), was approved for submission to the voters on the June ballot to replenish state school building aid funds. A companion measure, AB 109 (Greene), provides that up to $30 million of the bond proceeds may be used as loans to school districts for the purpose of reconstructing or modifying school buildings which do not now meet Field Act (earthquake) standards. AB 1 of the special session, the 1971 tax law, also provides funds for Field Act construction.

School districts with school buildings which do not meet the Field Act standards are also to receive assistance under AB 1966 (Greene), which authorizes such districts, if they lack sufficient funds of their own, to apply for a state loan from the State School Building Aid Fund and to levy a special $.10 tax rate to raise necessary matching funds for this purpose.

Assemblyman Leo Ryan's bill, AB 150, which would have authorized two pilot "voucher plan" experiments in California was defeated in the Senate for the second year in a row, despite strong backing from Governor Reagan. Private and parochial schools throughout the state may receive limited state aid in the form of elementary textbooks, special programs for handicapped children, and authority to place their students in high school science and vocational classes when space is available under the terms of AB 2590 (Vasconcellos).

A proposed constitutional amendment, ACA 37 (Collier), to delete the constitutional guarantee of $120 per pupil ("basic aid") for all districts regardless of wealth, was again defeated, after passing the Assembly. The Legislature, however, did pass a bill, SB 1252 (Harmer), which authorizes districts with operating fund deficits to borrow from the State School Fund on an emergency basis. Another measure, AB 1155 (Lanterman) authorizes school districts to temporarily transfer funds from special or restricted accounts to their general funds to meet emergencies, provided the funds are repaid within 120 days.

Teachers. Statutory provisions regarding procedures for the dismissal of tenured public school teachers were modified by AB 293 (Stull). Dismissal actions are to be heard by three-member administrative panels chaired by a state hearing officer, or by a hearing officer alone, instead of going to the superior courts, which will now review cases on appeal only. The new law also requires school districts to develop guidelines for evaluating permanent teachers and to conduct such evaluations at least every two years.

Teachers who retire after July 1, 1972, will receive a 20 percent increase in retirement benefits under the terms of AB 543 (Barnes), which also gives a retroactive cost-of-living increase, going back to 1965, to previously retired teachers and increases employee, employer, and state contributions accordingly.

Several bills which would have extended collective bargaining rights to public school employees were defeated.

Other, Schools. AB 2800 (Karabian) reduces the number of advisory commissions to the Department of Education from 26 to seven. A proposal, SCR 150 (Rodda), for the Department of Education to study the desirability of establishing regional offices to replace county school offices was defeated on the Senate floor.

School districts which want to adopt a "year round" calendar of four 45-class-day sessions may do so with the approval of the Superintendent of Public Instruction under the provisions of SB 673 (Burgener). Under this system, one-fourth of the children will be on vacation each session while the remaining three-fourths are in school.

Another measure, AB 724 (Bagley), directs all school districts to give highest priority to the prevention of racial and ethnic enrollment imbalances (in relation to each district's population distribution) in all school site and attendance decisions.

Higher Education Bonds. A $160 million bond issue for community college construction will go on the November 1972 ballot to provide state matching funds for projects approved by the Legislature. The bond measure, SB 168 (Rodda) was unopposed in both houses. The Legislature also approved a $294 million bond issue for University of California medical training facilities, essentially the same measure as was defeated by the

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voters in 1970. Governor Reagan allowed the UC bond issue to go on the ballot without his signature. In a related action the Legislature passed a bill, SB 1284 (Grunsky) authorizing the state to pay up to $12,000 per student per year to private medical schools in California for the training of physicians, and providing state fellowships for medical students attending such schools.

State Colleges. State college officials finally won passage of legislation to change the name of the California State Colleges to the California State University and Colleges. The state college trustees and the Coordinating Council for Higher Education are to cooperate in developing criteria to be followed in changing the name of each individual state college to state university. In signing the measure, AB 123 (Barnes), Governor Reagan said that all of the colleges should be renamed universities but without changing their functions. Although the impact of the name change is as yet unclear, Chancellor Glenn S. Dumke hailed signing of the legislation as "a milestone of major importance" for the institutions, and it is assumed that the five largest campuses will be renamed early in 1972.

A bill, AB 705 (Dunlap), which would have transferred the California Maritime Academy to the state college system, was vetoed by Governor Reagan, who said the problem of what to do with the academy needs further study. There has been growing pressure on the Legislature to close the academy entirely.

Community Colleges. Tenure, probation and evaluation requirements for certificated community college employees have been separated from those for public school teachers under the terms of SB 696 (Rodda). The measure also sets up an administrative review process for dismissal actions in place of superior court hearings, requires the district boards to establish standards and procedures for periodic competency evaluation, and permits the hiring of probationary teachers on one-year contracts. The new law, which was drafted by a committee representing the six community college faculty organizations, was supported by every interested organization except the California Teachers Association.

Other Higher Education. Another measure which will go on the November 1972 ballot will be a constitutional amendment requiring Senate confirmation of the Governor's appointments to the Regents of the University of California.

AB 55 (Bill Greene) authorizing use of state scholarships by students who wish to attend accredited post-secondary technical and vocational schools was vetoed by the Governor, as was a bill by Senator Marks to increase funds for Education Opportunity programs.

The University and state colleges will benefit substantially from the 1971 tax bill, AB 1 of the special session, which provides $80 million over the next three years in capital outlay funds and requires the state to spend an additional $75 million from existing funds in the same period.

ELECTIONS

Reapportionment. The Legislature failed to pass measures in the Regular Session to reapportion the Senate, Assembly and House of Representatives. It was not until December 20th, in the early hours of the last day before the Special Session recessed until January 3rd, that partisan Democratic plans were passed by narrow margins, headed for almost certain veto (see article, page 328). The Assembly measure was AB 12 (Waxman); the Senate Bill was SB 2 (Dymally); and the congressional bill was AB 16 (Waxman). Anticipating vetoes of these bills, the Legislature also passed concurrent resolutions for Senate and Assembly redistricting. Concurrent resolutions do not require the Governor's signature, but their validity as a vehicle for reapportionment is certain to become the object of a court test.

The Legislature did manage to pass one reapportionment plan on a bipartisan basis. SB 19 (Dymally) reapportioned the four state Board of Equalization districts on a one-man, one-vote basis. All four seats are now held by Democrats.

Mexican Americans. Some two dozen bills were introduced in 1971 to enlarge participation of Mexican Americans in elections. Of these, three passed both houses, of which two were signed by the Governor and one was vetoed.

At least eight bills eliminating the requirement that voters be able to read the constitution in English were introduced, but not one survived its house of origin. SB 150 (Dymally) passed both houses but was vetoed by the Governor. The bill would have deleted the requirement that all proceedings at the polls be conducted in English. The Governor did sign AB 2577 (Waxman), which will require the clerk to provide a Spanish translation of a local candidate's statement of qualifications at the candidate's expense, if he wishes. The Governor also signed AB 1469 (McAlister) which requires precinct boards to post facsimile copies of the ballot in Spanish and in other languages if the county clerk finds a need for doing so.

Voting Procedures. Two bills are pending on the Governor's desk which substantially extend registration opportunities. They are SB 60 (Moscone) and AB 1229 (Waxman). The Moscone bill permits voter registration at all times except during the 53 days preceding an election, provides for late registration up until the 19th day before the election in federal and state elections, and requires such late registrants to vote by absentee ballot. Waxman's bill provides for sending an absentee ballot to everyone who is registered. An absentee ballot may be delivered up until the close of polls on election day, instead of five P.M. the day before, and may be delivered to the polling place or mailed to the clerk.

18-year-old Voting. California ratified the 26th Amendment to the U.S. Constitution in April with SJR 22 (Dymally). The subsequent adoption of the amendment by two-thirds of the nation's state legislatures gave 18- to 20-year-olds full voting rights in state and local as well as federal elections.

Open Presidential Primary. SB 3 by Senator Alquist was passed, opening up the Presidential primary in California to all candidates whom the Secretary of State finds to be "recognized candidates", provided they have organized a convention delegation. The procedure is a very much watered down version of the "Oregon Primary" system where all nationally-recognized candidates are on the ballot unless the specifically request to be removed. The bill is on the Governor's desk.

Miscellaneous. Three measures were introduced to move the date of primary elections closer to the general election. None got out of committee.

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EMPLOYMENT, LABOR AND SALARIES

Several large packages of bills were introduced in the 1971 session in response to the continuing high unemployment rates. Inasmuch as job creation has come to be seen as chiefly a federal responsibility, most of these bills were aimed at increasing benefits for workers who have lost their jobs for one reason or another.

Unemployment Insurance. A package of 17 bills, AB 737-753, sponsored by Assemblyman Henry Waxman and aimed at increasing unemployment insurance benefits, died in the Assembly Finance and Insurance Committee, as did AB 984 (Meade), which sought to increase the maximum unemployment payment from $65 to $90 weekly. However, AB 1088 (Fenton), which raises unemployment compensation from $65 to $75 a week, was passed and signed by the Governor. AB 1503 (Beverly) conforming California law with federal law for unemployment, was also signed.

Unemployment benefits for the disabled were increased under AB 1423 (Pierson), which raises such benefits from $87 to $105 per week. AB 486 (Fenton) increases maximum benefits for temporary disability to $105 per week, also, and increases payments to widows from $20,000 to $25,000. AB 271 (Z'berg) extends unemployment benefits to state civil servants who lose their jobs due to layoffs or budget cuts, and AB 1355 (Fenton) extends unemployment insurance benefits to 245,000 farm workers.

Only three bills of a 13-bill package sponsored by Assemblyman Willie Brown to broaden the coverage of Workman's Compensation survived the Assembly Finance and Insurance Committee. The three successful bills are: AB 975 which provides workmen's compensation payments for hearing aids; AB 978, which mandates payment in a manner immediately negotiable for cash; and AB 981, which provides transportation expenses for anyone called to a workmen's compensation hearing.

Jobs. The Employment Opportunity Act of 1971, enacted in AB 1527 (Moretti), appropriates $4.75 million over three years for demonstration programs in such fields as medical care, law enforcement, education, and recreation to employ persons missed by federal job programs. AB 2976 (McCarthy), containing a $500 million appropriation to the Department of Public Works to assist local and state agencies on public works projects designed to relieve unemployment and underemployment, died in Assembly Ways and Means.

Minimum Wage. Legislation to raise the minimum wage to $1.85 per hour after January 1, 1972 and to $2.00 per hour after January 1, 1972, as well as to provide overtime pay at one-and-one-half times the normal rate after 40 hours, passed the Assembly but died in Senate Industrial Relations. However, AB 30 (Warren) extending of the minimum wage to cover men, as well as women and minors, passed the Legislature and has been signed by the Governor.

Public Employees. Several measures were enacted in 1971 in an effort to bring state employee benefits in line with those of employees of private enterprise. AB 146 (Z'berg) granting time-and-a-half for overtime beyond an eight hour day or forty hour week and appropriating $7.5 million was signed by the Governor. SB 166 (Short) provides night shift pay differential at a cost of $640,000. AB 271 (Z'berg) grants unemployment insurance benefits to state employees. Retirement benefits for state workers were improved under SB 249 (Grunsky), which sets the maximum retirement age at 67, and increases the retirement benefits by an average of 20 percent. SB 1298 (Rodda) which would have provided retirement benefits to anyone over 50 but under 55, and laid off after 15 years of service, passed the Legislature but was vetoed by the Governor. A five percent, one-time cost-of-living increase for retired state employees was provided in SB 57 (Lagomarsino).

State employee pay raises, deleted by the Governor from the 1971-72 budget, were included in SB 104 (Moscone), which appropriated $26,807,750 for a five percent average increase for all employees except University of California and state college academic staff. (For university and state college salary legislation, see Education.) SB 104 was vetoed by the Governor.

Miscellaneous. Legislation to institute compulsory arbitration for local safety employees, carried in SB 333 (Dills), has been sent to interim study. A measure making it a misdemeanor for an employer to willingly or knowingly employ a professional strike-breaker or for a professional strikebreaker to offer himself for employment (AB 490, Roberti) died on the Assembly floor. However, AB 528 (Arnett), which provides that an employer shall not employ aliens who are known to the employer to be illegal immigrants, did pass.

Two bills to outlaw discrimination by the public utilities were introduced this session. SB 1207 (Alquist) mandated equal employment opportunity without discrimination on the basis of race, religion, color, national origin, ancestry or sex for all utilities subject to Public Utilities Commission regulation. Alquist's bill passed the Senate, but died in the Assembly Labor Relations Committee. A similar measure, AB 2948 (Brathwaite), has been referred to interim study.

Two measures authored by Assemblyman Leon Ralph designed to broaden the enforcement powers of the Fair Employment Practices Commission have been enacted. AB 792 authorizes the FEPC to investigate, approve and certify equal employment opportunity programs submitted to it by contractors on state-awarded public works projects. AB 794 authorizes the Chief of the FEPC or an attorney of the FEPC to file an action against employers or employees in cases of nonconformity with the law. AB 2324 (McAlister) protects a farm worker from being fired for having his wages garnished as a result of a single debt.

ENVIRONMENT

It was, all in all, a rather discouraging year for environmentalists, who saw all but one of their high priority proposals defeated. (see *California Journal*, November 1971, p. 296). Nevertheless, environmental issues were given extensive consideration and a number of smaller victories were scored.

Coastline. Environmentalists selected coastline protection as their first objective in the 1971 session and, through a coalition organization named the Coastal Alliance, concentrated a large portion of their resources behind AB 1471 (Sieroty) which was to establish a 12-member state commission and six regional commisions charged with developing a comprehensive coastal development plan by 1975. During the planning period, damaging development was to be stopped through use of a permit system. By the time the bill got to the Senate, where it was expected to encounter its stiffest opposition, it had been amended to the point that many

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of its original backers had become lukewarm in its support. It was defeated in the Senate Natural Resources Committee.

Wild Rivers. Another important measure for environmentalists was SB 107 (Behr) which would have prohibited dams or other man-made impoundments on large sections of the Eel, Trinity and Klamath Rivers and directed the Secretary of Resources to prepare a river management plan to establish each section of these three rivers as "wild", "scenic" or "recreational". The bill was passed by the Senate Natural Resources and Finance Committees but died on the Senate floor two votes short of a majority.

Bay Region. Environmentalists lost another close fight over AB 1057 (Knox) to create a Conservation and Development Agency for the nine-county San Francisco Bay Area to draw up a comprehensive resources plan for the whole region. Backed by the Association of Bay Area Governments, the bill moved easily through the Assembly and was eventually passed by the Senate, but only after being amended to require an initial referendum, a step opposed by the bill's backers. A conference committee compromise to postpone the referendum until after the agency was set up and operating was defeated in the Senate.

Land Use. The principal victory for environmentalists was the passage of AB 1301 (McCarthy), part of a five-bill package dealing with subdivisions. AB 1301 establishes seven specific grounds for denial of a subdivision perimt and requires local governing agencies to deny a permit if any of the grounds exist. Implementation of the new law is expected to considerably aid efforts to halt uncontrolled subdivision developments, particularly in rural areas.

Air Pollution. There were two defeats in this area for environmentalists, but at least one victory. AB 399 (Schabarum), to reduce lead in gasoline, failed to get past the Senate Transportation Committee. ACA 16, to permit the expenditure of gas tax revenues for purposes other than highway construction and maintenance, died on the Senate floor three votes short of the necessary two-thirds majority.

However, the Legislature did pass AB 265 (Schabarum) which reorganizes the Air Resources Board to make it a stronger and more independent agency in the fight against air pollution. It also passed SB 878 (Cologne) requiring 1966-70 cars to be equipped, upon registration, with an accredited exhaust emmission control device. Enactment of SB 325 (Mills), to extend the sales tax to gasoline and to apply the revenues to public transportation, was viewed as a defeat by environmentalists, who do not expect it to lead to the reorganization of the state's transportation system which they seek.

Miscellaneous. Early in the session broad support developed behind AB 1056 (Z'berg) which was probably the most comprehensive single piece of legislation concerning the environment ever put before the Legislature. AB 1056 would have established a single state environmental quality board with jurisdiction over the whole field of environmental protection in California. It was defeated in the Senate Governmental Organization Committee. Also defeated were several bills, SB 490 (Moscone), AB 838 (Hayes) and AB 985 (Z'berg), intended to give individuals and groups the right to bring lawsuits to block threatened environmental destruction and pollution, even when they are not directly interested parties. The only successful new legislation in this area was SB 678 (Lagomarsino), which gives the Attorney General greater authority to bring suit to block environmental damage.

Other successful measures directly or indirectly related to environmental protection included: AB 660 (Dunlap) establishing a four-year moratorium on the killing of mountain lions; and AB 3040 (Miller) prohibited the state from entering into a contract for more than $5,000 with any firm which is in violation of environmental protection regulations.

HEALTH

Medi-Cal "reform" was the principal health issue before the Legislature in 1971, but there were also a number of other important matters including drug additcion, venereal disease control, sickle cell anemia research, and hospital administration.

Medi-Cal. In conjunction with his program to reduce welfare costs, Governor Reagan also gave prominence to his administration's plans to cut back on rising Medi-Cal expenditures. When the Governor's plans collided with the conflicting proposals generated in the Legislature, a deadlock developed which was broken only after secret bargaining between administration and legislative leaders in July. The compromise which was worked out was carried in AB 949 (Campbell) and had the following major provisions: a charge ("co-payment") of $1 per visit to a physician and 50 cents for each prescription drug, under basic benefits, for recipients with more than $250 in savings; a greater emphasis on prior authorization for "supplementay benefits"; a $5 ceiling on physician fees for office visits; a provision qualifying every family of at least four persons with an annual income of $5,000 or less (some 800,000 "medically needy" persons not automaticaly eligible as welfare recipients); a ceiling of $245 million on program costs to the counties; and a one-year suspension of the state's authority to make across-the-board cuts in benefits.

The bills designed to establish state-administered health care programs died early in the session. AB 3000 (McCarthy), eliminating Medi-Cal and establishing a County Cal-Care program for welfare recipients with a 90-10 percent division of state and county costs, died in the Assembly Health Committee, as did AB 2860 (Burton), a program of comprehensive health insurance administered by the state.

Hospitals. A comprehensive measure, designed to standardize hospital accounting systems and therefore facilitate cost comparison figures throughout the state, was authored by Senator Stephen Teale. Teale's bill SB 283, signed by the Governor, establishes a California State Hospital Commission to prescribe accounting systems used in the state's hospitals and to make all financial records of licensed hospitals a matter of public record.

Nutrition. AB 1511 (Moscone), establishing a five-year nutritional study program for women during pregnancy and children under one year of age, but limited to not more than six counties with high nutritional need, was signed by the Governor. The measure does not contain any funding, however, and directs the state to seek federal money for the project. Legislation authored by Senator Albert Rodda to extend the school lunch program to preschoolers, using funds from county permissive tax overrides (a tax which can be levied by districts without voter approval), passed the Legislature but was vetoed by the Governor.

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Disease. Senator Nicholas Petris, a long-time proponent of mandatory immunization for communicable diseases among school children, successfully carried SB 535, which requires immunization against diphtheria and tetanus for all children under 18 years of age, and immunization against whooping cough for children six years and under. The bill exempts from immunization those children whose parents state that it is against their beliefs. A testing program for sickle cell anemia also passed the Legislature. AB 2786 (Ralph) requires the Department of Public Health to devise a program to test any identifiable segment of the population which exhibits a disproportionate tendency for the disease. Sickle cell anemia is usually fatal, and 99 percent of its victims are black.

The growing spread of venereal disease and difficulties in implementing school programs to warn students, prompted Assemblywoman March Fong to introduce AB 950, which would have allowed VD instruction in the public schools without prior parental notification. Passed by the Legislature, but vetoed by the Governor, the bill was brought up for an override attempt which failed. The Governor, however, announced a $238,000 appropriation for VD instruction and syphillis case-finding during the remainder of fiscal 1971-72, including funds to hire an additional health educator to work with the Department of Education to develop VD materials for the schools.

Drugs. The Drug Education Act of 1971, AB 2544 (Dunlap), requires the Department of Education to develop statewide drug education programs for school children and a training program for teachers and school administrators. The bill carries a $100,000 appropriation. Assemblyman William Campbell's AB 452, changing the statutory classification of marijuana from a "narcotic" to a "restricted dangerous drug" passed the Legislature but was vetoed by the Governor.

Methadone, the heroine substitute now used in more than 25 centers throughout the state to treat heroin addiction, received new-found attention this session. AB 561 (Vasconcellos) placing the administration of methadone programs with the Department of Public Health, and a companion measure, AB 562 (Vasconcellos) appropriating $5 million for the treatment of new methadone patients, received legislative approval, but were vetoed by the Governor. AB 563 (Vasconcellos), which was signed, permits out-patients from the California Rehabilitation Center and parolees from the Department of Corrections to participate in methadone programs.

Abortions. AB 2045 (Hayes) exempting a nurse from participating in an abortion on moral, ethical or religious grounds, has been signed into law. SB 385 (Harmer), which requires the Department of Public Health to report the legal and medical standards pertaining to abortion to the Legislature every two years, based on mandatory reporting of abortion statistics from hospitals in California, has also been enacted. Previously, abortion reporting was voluntary.

HOUSING

Tenant-Landlord Relations. The only very significant legislative accomplishments in the field of housing were in the field of tenant-landlord relations. It was, in a sense, "the year of the renter" in Sacramento as far as housing legislation is concerned. More specifically, it was "the year of the renter-in-trouble".

AB 991 (McAlister) will extend the time within which the defendant (tenant) in an unlawful detainer action (eviction) may file his answer to the plaintiff's (landlord) complaint from three days to five days after the service of papers. Until now, when a landlord brought suit to evict a tenant, a tenant wishing to resist the eviction had to file his answer in court no later than three days after the landlord's complaint was served upon him. This requirement has been exploited by some landlords who have served eviction notices at 11:59 p.m. on Friday evening, forcing the tenants to try to secure a lawyer and file an answer no later than the following Monday.

A measure which deals with the other side of this problem, SB 1073 (Deukmejian), requires tenants to respond within five days to court decisions on motions to quash, overruling of demurrers, motions to strike, and the like. SB 1073 is a response to events during the Berkeley rent strike last year when tenants allegedly dragged out court proceedings while paying no rent.

SB 857 (Petris) prohibits a landlord from attempting to terminate any lease or other tenancy of property used by a tenant as his residence by stopping or interrupting utility services furnished to the tenant. The new law applies to negligent, as well as willful, acts of a landlord.

Condemnation. AB 533 (Brathwaite), hailed by its author as "a significant victory for displaced householders" requires cities, counties and other public entities which use condemnation proceedings to obtain land to provide relocation advisory assistance, moving costs and compensation for loss of personal property as a result of the move to persons displaced by their actions. The bill also increases from $5,000 to $15,000 the payment that may be made to compensate for a decline in the fair market value of property immediately contiguous to property acquired for airport purposes.

HUMAN RELATIONS

Women's Rights. Three bills of an eight-bill women's rights package (AB 727-734) authored by Assemblywoman Yvonne Brathwaite were passed by the Legislature, but only one was signed into law by the Governor. The two bills vetoed, for technical reasons, were AB 728, which originally allowed a single woman to claim head-of-household status for tax purposes, but was amended to cover only surviving spouses whose husband or wife has died in the preceding two years, and AB 732, aimed at providing equal opportunity for women in UC and state college graduate schools. The single bill signed was AB 734, which authorizes child care centers on community college, state college and UC campuses to be funded from student fees. Three bills in the package which failed to pass were AB 727, which would have prohibited sex discrimination in housing; AB 729 permitting a woman to continue to use her maiden name after marriage; and AB 731 outlawing sex discrimination in the issuance of credit. The remaining two bills were AB 733 which was amended into 732, and AB 730, directing the Coordinating Council for Higher Education to balance the number of women and men on its staff, which was replaced by a resolution to the same effect.

Two measures which sought to change the administration of protective labor laws were defeated in the 1971 session. AB 1547 (Sieroty) would have required that membership on the Industrial Welfare Commission include at least two representatives of organized labor and two women, and would have provided for an

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automatic adjustment in the minimum wage according to cost-of-living increases measured by the Consumer Price Index. The measure failed to pass the Assembly. AB 904 (Brathwaite) originally sought to repeal all protective weightlifting laws for women. Following a U.S. Court of Appeals decision that weightlifting laws discriminate against women on the basis of alleged physical weakness, the bill died in the Assembly Ways and Means Committee.

A concerted effort by many women's organizations throughout the state succeeded in gaining passage of AB 1006 (Deddeh) which establishes a permanent Commission on the Status of Women (previously the commission had to be renewed every two years) and includes a $45,000 appropriation.

Child Abuse. Another important bill enacted into law this year is AB 850 (Ryan) to combat child abuse by removing the abused child from the home after the second incident of abuse, and requiring the parents to undergo counseling after the first proven abuse. Other provisions of the new law make it a misdemeanor for anyone who has care or custody of a minor not to report any instance of physical abuse, and create a county commission to investigate all reports of child battering.

Miscellaneous. Two bills authored by freshman Senator Peter Behr will make birth control information more readily available. SB 650 permits the advertisement or display of prophylactic products if they are accompanied by educational information on VD prevention. SB 1030 removes from the statutes a provision which has prohibited advertisement of contraceptives. Both measures have been signed by the Governor.

SB 375 (Beilenson), which would have made it possible for a female minor to obtain medical care related to her pregnancy on her own consent was defeated in the Assembly. In 1970 a similar bill passed both houses, but was vetoed by the Governor. SB 1447 (Dymally), which would have established marriage as an equal partnership under law, was defeated in the Senate Judiciary Committee. AB 437 (Brown) to remove criminal sanctions against private sexual acts between consenting adults, which came to be known as the "Homosexual Bill of Rights", was defeated on the Assembly floor 25-41. The much publicized attempt by Assemblyman Leroy Greene to legalize prostitution in California on a local option basis was defeated in its first committee hearing.

LOCAL GOVERNMENT

Plagued by increased demands for services and limited revenue sources, California's financially troubled cities and counties have made fiscal measures their number one legislative priority. The counties, for example, were adamant in their demands that the Medi-Cal reform bill include a ceiling on their share of the costs of the program.

Local government was less successful, however, in finding new revenue sources. Defeated in the Legislature were proposals to institute an airport privilege tax (SB 211), a so-called "tippler's tax" (AB 1617); a five percent utility tax (AB 1745), and a police and fire protection tax (AB 263). The Legislature did approve, and the Governor signed, SB 325 (Mills), which will give cities and counties additional revenue for transit purposes through a sales tax on gasoline. Another measure adopted by the Legislature, SB 565 (Stiern), increases driver license fees twenty-five percent, with the $76 million increase in revenues to be allocated to local government. The Governor vetoed this measure, however, noting that he had already approved the sales tax on gasoline. A third measure, AB 522 (Foran), which has been signed into law, makes some additional revenues from the highway users taxes available to local governments without any increased impact on the motorist.

Local government will also benefit from provisions in the state tax law, AB 1, which ensure full payment to the counties for the partial business inventory exemption from property taxes, and, possibly, from revisions in the Williamson Act included in the same bill. To assist it in determining the impact of these changes, the Legislature also passed AB 360 (Bagley) which requires the Department of Finance to prepare a report on the amount of money, if any, lost by local government as a consequence of recent tax legislation.

Legislation sponsored by the League of California Cities to revise annexation procedures, SB 813 (Knox), was defeated for the second year. Similarly, a revision of subdivision procedures, AB 1375 (Wilson), was also defeated. Local government opposition to SB 333 (Dills) establishing binding arbitration for police and firemen was successful in overcoming a strong supporting effort by associations representing those two groups.

A comprehensive revision of county bidding procedures carried in SB 1123 (Lagomarsino) was passed and signed into law, culminating two years of legislative study of "force account" limits. The new law establishes a uniform statewide bidding procedure and an informal procedure for projects which cost less than $10,000. Another piece of legislation, AB 1125 (Dent) gives all local government agencies an exemption from the Brown Act for the purpose of holding executive sessions with the Attorney General, district attorney, sheriff or chief of police on security matters.

TRANSPORTATION

There was considerable legislative activity in the field of transportation in 1971. A number of major bills dealing with transportation finance were introduced, and one, SB 325 (Mills), was signed into law. Attention also was given to bicycle riders and their need for safe bicycle lanes. The other major action revolved around the attempt to block construction of the Southern Crossing over San Francisco Bay.

Finance. SB 325, authored by Senate President pro Tem James Mills, authorizes the removal of the sales tax exemption from gasoline and will increase the price per gallon by approximately 2 cents. The bill will raise $179 million per year for public and highway transportation. Another bill, ACA 16, by Assemblyman John Foran to remove the Constitutional restrictions on the use of the gas tax to permit use of the money for all forms of transportation, passed the Assembly but died in the Senate by a 24-11 vote (27 required) in the closing days of the session.

Miscellaneous. A number of bills were introduced to permit the use of motor vehicle fees for the establishment of bicycle trails. The two bills signed into law were SB 265 (Behr) for development of local bicycle lanes and SB 1100 (Gregorio), permitting the use of gas tax funds for the construction of separate bicycle lanes along state highways.

Early in the legislative session a controversy arose over the proposed construction of a Southern Crossing

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(San Francisco Bay) bridge. Assemblyman Robert Crown guided AB 151, which would have blocked construction of the bridge without prior legislative authorization, through the Legislature only to have it vetoed by the Governor. Subsequent to the veto, Crown won approval for AB 152, which puts the question of construction of the bridge to a vote of the people in the affected counties. That vote is to be held in June 1972.

AB 2342 (Chappie) establishes a new section of the state's Vehicle Code dealing with "off-highway" vehicles, including their registration, and creating a special fund to finance special areas for such vehicles.

WELFARE

Welfare "reform" was one of the most fought over issues of the 1971 session from the moment when Governor Reagan gave it highest priority among his administration's 1971 legislative objectives. Attacking what he termed "uncontrolled upward spiralling of the welfare caseload" he charged that the existing system not only overburdened federal and state taxpayers but also failed to meet the needs of the "truly needy", while giving a disproportionate share of the benefits to the less needy. In mid-March, Reagan unveiled his reform plan, which was aimed at reducing welfare growth rates through tighter eligibility requirements, an increasing emphasis upon employment, and the closing of "legal loopholes that lead to abuse".

Several of the Governor's legislative proposals were opposed by Democratic leaders of the Assembly and Senate, however, and the issue soon produced a deadlock which was broken only after lengthy secret negotiations. The "reform" legislation which finally emerged, SB 796 (Beilenson), provided for a revised schedule of AFDC payments sought by the Governor to reduce aid to persons with some outside income, a number of measures to reduce benefit allowances under special circumstances, a series of anti-fraud controls, changes in residency requirements, a reduction in work-related expenses, and a number of other elements sought by the administration. But Democratic legislators also won acceptance of annual cost-of-living increases, "open-ending" of state support to meet actual costs, and an expansion of child care services and family planning funds.

The Welfare Reform Act was signed into law in August and was expected to go into effect October 1st, but it was quickly hit by a number of legal challenges to its principal provisions, and by the end of the year most of it was still locked up in the state and federal courts.

MISCELLANEOUS

Senior Citizens. AB 1 (Bagley), the 1971 tax law, provides a substantial increase in homeowners' property tax relief for senior citizens. The household income ceiling for eligibility has been raised from $3,350 to $10,000 per year and the minimum age lowered from 65 to 62. The range in tax rebates to be paid by the state will now run from a maximum of 96 percent of local property taxes on the first $7,500 in assessed valuation for those with an income of $1,000 or less to a minimum of 4 percent for those with incomes of $10,000. The expanded benefits are expected to reach approximately 90 percent of all senior citizen homeowners. The Legislature also approved SB 62 (Marks) which assures a senior citizen of property tax assistance when he is not living at his home due to temporary convalescence in a hospital or medical institution.

Also of benefit to the elderly is AB 848 (Burton), which excludes retroactive social security payments received by OAS beneficiaries under Public Law 92-5 from consideration in determining current welfare benefits.

Age of Majority. Largely as a result of the passage of the U.S. constitutional amendment to extend full voting rights to 18-year-olds, the long-time effort to extend greater legal rights to 18-year-olds received new impetus. AB 2887 by Assemblyman Priolo, which was passed by the Legislature and signed by the Governor, gives full legal rights to 18-year-olds with one major exception — consumption of alcohol. Under AB 2887 18- to 21-year-olds may vote, hold public office, serve on juries, marry without parental consent, enter into legal contracts, and be tried as an adult for criminal offenses.

Bond Issues. In addition to the community college and UC health science bonds (see Education above), the Legislature approved a $250 million bond issue, AB 171 (Z'berg), to continue funding the veterans' farm and home aid program begun in 1943 under the Veterans' Farm and Home Purchase Act. A fourth bond measure, AB 3066 (Z'berg), to provide $250 million for the acquisition of state parks, beaches and other outdoor recreation lands, was passed by the Legislature but vetoed by Governor Reagan, who noted that there is $130 million in other funds for this purpose.

Fish and Game. The Legislature agreed to increase fishing and hunting license fees, the first such increase in 13 years, to raise some $5 million more for state fish and game programs. A resident license and stamps for trout fishing will cost $7 in 1972, and a resident hunting license will cost $6. The new revenue will be spent for such things as increases in trout fishing near urban areas, increases in catchable size trout planting, development of a striped bass hatchery, and a 10 percent increase in the number of fish and game wardens.

Executive Reorganization. A four-year long experimental approach to reorganizing state government according to plans submitted by the Governor, rather than through conventional legislation, came to an end when the Assembly Ways and Means Committee failed to approve a bill by Senator Howard Way which would have extended the Governor's authority for two more years (see *California Journal*, October 1971, p. 277). Governor Reagan submitted three plans during the 1971 session which, under the special reorganization law, would have taken effect unless disapproved by either house of the Legislature. All three plans failed. Plan No. 1, which would have reorganized the boundaries of regional water quality control boards, was stopped at the request of the Governor. Plan No. 2, which would have abolished the Board of Dry Cleaners, was defeated by a majority vote in both houses of the Legislature. The most important of the proposals, Plan No. 3, was defeated on a straight partisan vote in the Assembly. That plan, which would have created a Department of Environmental Protection, was strongly opposed by conservation groups and legislators who backed a more ambitious reorganization proposal authored by Assemblyman Ed Z'berg. The only reorganization action approved this session was a bill extending for one more year the effective date for a 1970 plan consolidating several health care agencies into a new Department of Health.

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tax experts, this change will have relatively little impact because there is still no ceiling on the use of the depletion percentage in relation to capital investment. Thus, the allowance can be used year after year without limit.

Oil Companies

Oil companies which operate in California will be affected, however, by the new 2.5 percent minimum tax on preference income, which includes income previously excluded by depletion allowances, as well as excess investment interest, stock options, accelerated depreciation on real property, and excess amortization. In the closing weeks of the session oil lobbyists worked hard to revise this provision, trying either to get the 2.5 percent figure reduced to 1.5 percent or, in the absence of that, to allow federal tax payments to be deducted from net income before application of the minimum tax. However, either change would have sharply reduced the total new revenue from this source, throwing the whole package out of balance. Thus, when the issue was raised on the Senate floor before AB 185 went to conference, the oil companies' proposals were rejected and the conference committee, in effect, was held to the 2.5 percent tax. (To some observers it appeared that the oil lobbyists might have won some concessions had they sought a special exemption for themselves rather than one which affected all preference income, and had they not forced the issue on the Senate floor, producing an adverse vote which the conference committee could not ignore.)

Candy Tax Exemption

All of the forgoing changes were enacted as provisions of AB 1, but there is a second measure, AB 2109, also carried by Asemblyman Bagley, which came to be considered as part of the total package in the final negotiations. AB 2109 has four principal provisions: exemption of candy and gum from state and local sales taxes; extension of sales taxes to "hot prepared" take-out foods; acceleration of gift tax collections in conformity with federal law; and an increase of approximately 20 percent in the tax on private sales of automobiles and 80 percent on private sales of trucks as a result of an upward revision in the state's vehicle value book.

It is not entirely clear why these provisions were included in a separate piece of legislation, but the most widely accepted explanation is that Bagley had long sought the exemption for candy and gum, and included the three other changes to provide the offsetting revenue increase. Vending machine operators have always argued that they cannot pass on to consumers the sales taxes they have been required to pay on low cost items, and therefore, unlike the sellers of other goods, have to absorb the tax costs themselves.

Expenditures

The greater part of the revenue to be raised by AB 1 and AB 2109 will go, of course, to balance the state's 1971-72 budget, which, prior to passage of AB 1, was out of balance by some $310 million. The remaining nearly $200 million is to be divided between capital outlay expenditures for educational facilities and state parks; increased tax relief for elderly persons; retention of the 30 percent business inventory exemption, with a revised system of reimbursement to the counties; additional funding for the Williamson Act "open space" program; and related administrative costs.

Several of the early tax bills included a provision under which all or part of the initial "windfall" from withholding, that amount gained simply from accelerating collection of the income tax, would go to a capital outlay fund. As the debate continued, however, it appeared that the windfall might be needed for other purposes and the capital outlay funds deleted. The fact that the final bill provides $150 million for capital outlay probably reflects the belief of the governor and others that as little of the first year windfall as possible should be used to raise expenditures this year which will have to be funded from other income the next year, as well as Democratic insistance that some additional aid be provided for education and parks.

Bagley Fund

The act specifies that of the $150 million, $80 million is to be spent for capital outlay for the University of California, the California State Colleges (soon to become the California State University and Colleges) and the California Community Colleges; $40 million is to be deposited in a newly created Bagley Conservation Fund, to be allocated not to the conservation of Assemblyman Bagley but for beach and park acquisition and coastline planning; and $30 million is to be deposited in a newly created School Building Safety Fund for replacement and repair of school buildings which do not meet Field Act earthquake standards. The entire $150 million is to be committed by the end of 1974, at a maximum rate of expenditure of $50 million per year. In December 1974 the Legislative Analyst is to report whether the full $150 million has been committed and whether the state has also committed an additional $75 million in total from the General Fund and higher education capital outlay fund. If this had not been done, the state and local sales tax is to be reduced by one cent for calendar 1975. This unusual provision is evidently intended to encourage the administration to spend the monies appropriated by the Legislature as intended, rather than to create a surplus for other purposes.

Senior Citizens Benefits

A principal point at issue in the Senate-Assembly conference on the tax bill was the amount of additional tax relief to be given elderly persons. The bill as passed by the Senate provided $16 million in 1972 for this purpose, but the Assembly conference members reportedly insisted of a higher figure, and the committee finally agreed to provide $46 million.

Under the new provisions, homeowners aged 62 or above who have an income of $10,000 or less will be eligible for property tax rebates ranging from four percent, for those with an income of $10,000, up to 96 percent, for those with an income of $1,000, on the first $7,500 in assessed valuation of their homes. Inasmuch as most counties assess residential property at about 25 percent of market value, the $7,500 figure for assessed valuation covers houses valued at up to $30,000. It is believed that the expanded benefits will reach at least 90 percent of all elderly homeowners. There is still no provision, however, to extend com-

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Department of Education Moves to Implement Early Education Plan Recommended by Riles Task Force

By Ruth Pritchard

The next few years could witness a sweeping restructuring of California's system of elementary education if the recommendations of a prestigious task force appointed by Superintendent of Public Instruction Wilson Riles are implemented. Under the plan, public school children will be given the opportunity to begin school at age four, existing kindergarten and grades one through three will be reshaped into a new upgraded unit to give all children aged four through eight the basic tools of learning, and this primary school will become a community education center, bringing together all the teaching resources of the community and their families in the service both of the children and their parents. These are the principal recommendations presented to Superintendent of Public Instruction Wilson Riles and the State Board of Education in December by a Task Force on Early Childhood Education appointed by Riles last March.

Legislation based upon these recommendations is now being prepared by a special Department of Education team, to which Riles has given the task of designing the specific organizational and administrative framework necessary to begin to convert the task force's recommendations into an effective program. Riles expects to submit his initial legislative proposals in this field to the Legislature no later than February. According to the proposed time table for implementation of the recommendations, pilot programs are to be begun in the fall of 1972 and nearly all schools are to be ready to take four-year-olds by 1975.

Task Force

The 25-member task force which drew up the recommendations consisted of educators, representatives of the medical profession, parents, representatives of the Departments of Education and Public Health, school administrators, teachers and teaching specialists from private industry. Their assignment was to prepare a master plan for early childhood education, and to do so they examined not only California's schools but programs and studies in other states and abroad. Dr. Milton Babitz served as chairman of the task force until his death last August, at which time Mrs. Jeanada Nolan, Chief of the Bureau of Compensatory Preschool Education Programs took responsibility for guiding the project to completion.

Some of the thinking behind the task force report was presented to the state board in a November progress report by task force spokesman Dan Moore, Manager of Educational Programs for the Los Angeles Times-Mirror. Eighty percent of human intellectual development occurs during the first eight years of life, Moore told board members, and fifty percent by the age of four. Researchers have found that as much as 17 IQ points in an individual's intellectual development can be changed in a year by early environment, he said, and that a child's IQ may actually decline by age five if educational opportunities are not available. Moreover, Moore argued, experience with existing programs has proven that children are able to learn well before the traditional school age. Experience with preschool programs for disadvantaged children indicates that those who have gone through such programs have a great advantage in later schooling over those who do not. The task force, said Moore, became convinced that this opportunity should be open to all children and that there should be created a "completely new" psychological and physical environment for school children with the goal of providing surroundings which will facilitate inquiring, reflecting and reasoning and will give recognition to "the importance of play in children's learning." The schools, said the task force members, "should be a happy place, a stimulating environment in which children can make continuous progress, where they will want to learn, and where they can achieve success both personally and academically."

Recommendations

The task force report advanced seven basic recommendations, which may be summarized as follows:

- All children in California between the ages of four and eight should have the opportunity to be served by a publicly supported primary school which is capable of responding to their individual differences, capabilities, and needs. The programs for four-and-five-year-olds should be voluntary, designed to provide educational enrichment for all children and basic development for those whose home conditions provide negative learning experiences.
- The primary school should become a community educational center, focusing all the resources of the family and the community in order to serve children and their parents. Parent education and involvement in the early education is essential. All existing public and private educational, physical, social, and psychological services of the community should be pooled within the schools to serve the needs of children.
- The primary school should have the goal of giving all children the basic tools of learning in reading, oral and written language, and arithmetic by the time they leave the primary school. To accomplish this will require clearly defined goals, accurate assessment of each

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child's abilities, including testing in the language most familiar to him, and continuous evaluation of the effectiveness of the program.

- Testing of children for vision, hearing and health must be part of the program, and where they are not supplied by parents, medical, dental needs and social services should be furnished through coordination of county, district and community services working with the school district. Special programs for children with severe or multiple handicaps should be continued and expanded where necessary.
- Grade barriers should be removed from kindergarten through the present grade three, and a new ungraded primary program developed to enable a child to progress at his own speed through individualized intruction. Since existing classroom cubicles may not be flexible enough for an ungraded program, school design and building codes should be reexamined to encourage low cost, easily modified, flexible structures.
- Professional teachers should have training in early childhood growth and development, and new certification procedures should be based on demonstrated competence in working with children. Each primary school should achieve a ratio of at least one adult to every ten children through the use of trained teacher's aides, volunteers and the participation of junior and senior high school and college student aides.
- Adequate funds must be allocated for the successful operation of the proposed expanded primary school, including the equitable distribution of state resources in terms of the needs of the children to be served.

Implementation

To keep their recommendations from dying on the shelf — the fate of many similar reports — the task force also recommended the formation of a Department of Education implementation team and the creation of an Early Education Advisory Committee in each local school district. Riles, who maintained close contact with the task force throughout the eight months it devoted to the study, responded immediately by setting up a departmental team of division and bureau chiefs to prepare the necessary 1972 legislation. This implementation team, under the co-chairmenship of David Evans, Chief of Program Planning and Development and Dorothy Blackmore, has also been directed to assess funding requirements of the new plan.

Blackmore and Evans say they do not anticipate any large spending this year, and will concentrate on the redirection of existing funds into the new primary program from such sources as the Miller-Unruh Reading Program, the present preschool program, and the children's centers. According to Harvey Hunt, Legislative Coordinator for the Department of Education, the department knows it cannot ask the Legislature to come up the first year with all the funds necessary to finance the program simply on the basis of the proposed plan. "Our early phase will emphasize redirection of funds" he said, "but we will hope to demonstrate how we will recommit existing resources, and we will ask the Legislature to make a commitment both to the initial implementation and to the long-term objectives of the master plan."

Superintendent Wilson Riles believes that if the available state and federal funds for disadvantaged children can be used for the new program, it will require little additional state funding initially. He also hopes that a restructuring of the upper grades and a reemphasis of primary education will give the lower grades a fairer share of funds now available. These changes, along with further development of team teaching, increased use of teacher's aides, year round operation, and the eventual elimination of high cost remedial programs now operated by the schools and by other agencies (*e.g.*, juvenile detention facilities) will help produce the funds necessary to carry out the new plan.

Pilot programs this fall for four- and five-year-olds will probably be for a half-day or less and on the same voluntary basis as is now followed for kindergarten. It is intended that these programs will be flexible enough to fit the needs of the varied districts and that they will require community involvement to determine what is appropriate in each individual school. The overall restructuring of the primary unit is expected to require a period of several years, with the state setting the framework, providing leadership and resources, and evaluating district programs in terms of their achievement of state and local objectives.

Riles' Priorities

Superintendent Riles clearly feels very strongly about the importance of reforming primary education. "When a child finishes the new primary unit, at what is now the third grade" he says "that child should be functioning in school, able to read, to speak well, to handle the language, to write and to compute, and above all, to be excited about learning. Children now come to us excited about learning and wanting to learn, and we turn some of them off." Riles says that the four- or five-year-old child will not be forced to learn to read, but by the time he finishes the primary unit he will know how to read. If a child does not make the progress expected of him, says Riles, "all of the skills of diagnosis and special help that we know will be brought to bear to help him to move along."

In Riles' view the ungraded primary with programs tailored to fit each individual child is fundamental to the success of the new plan. "Every child does not learn to walk and talk at the same time," he says, "so why should the schools expect every child to read page 48 on the same day?" Under the new system the highly intelligent child will not be restrained by grade levels, and, on the other hand, the child who is not ready for academic subjects can be given the foundation to prepare him for the later learning of specific skills. "Each child," says Riles, "will move according to his own ability with maximum help and assistance."

Riles also feels strongly about the importance of parent involvement, believing that parents and teachers working together bring about the best results for the child. He believes the presence of volunteer mothers and aides can help accomplish this goal and that such involvement is easiest to achieve at the beginning of school when the parents are concerned and the children want their parents to be involved. Also high on Riles' priority list is the checking and correcting of problems with eyes, hearing, health, and other special difficulties a child may have. He emphasized that it is essential to find and correct such problems before they interfere with learning or the child develops emotional problems because they are uncorrected.

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State Scholarship Program Helps Thousands of California Students to Cope with Rising Cost of Higher Education

Not so many years ago graduating high school students could wait until nearly the end of the summer before deciding where they would go to college, particularly if they were headed toward a public college or university in any case. But now many colleges and universities, public as well as private, require this decision to be made during the preceding spring, at the latest, and in some cases as much as a year in advance. One consequence is that the students' parents have somewhat longer to worry about how they are going to pay the bills for tuition, student association fees, room and board, books, clothing, and travel which will begin coming their way in the fall. It is definitely a mixed blessing, however, for the costs of all these things have climbed steadily in recent years, becoming a serious financial burden not only for low income families but for those in the middle income range as well.

Unquestionably these costs keep many students, and especially those from low income and minority group families, from attending college at all, or from attending a college which is best equipped to give them the educational opportunities they want. The high cost also forces middle income parents to go into debt for shorter or longer periods so that their children can have the educational opportunities which they and their children have come to expect.

Public Aid

The steadily rising costs of attending colleges have had another consequence, however, which undoubtedly makes it possible for many high school graduates to go on to college when otherwise they might not have been able to do so, or could have done so only at great financial sacrifice for their families. This is the rapid increase in state, federal and institutional aid to students, and especially students who attend public campuses, in the form of scholarships, grants and loans. Although it is questionable whether the total volume of such aid has in fact kept pace with rising costs and enrollment, the total volume of expenditure for what is essentially a welfare function has become impressive indeed. According to a report issued by the State Scholarship and Loan Commission last spring, total financial aid from all sources for undergraduates reached $110 million in 1969-70, of which approximately $27 million was in the form of scholarships, $23 million in grants and $60 million in loans in California.

The greater part of this aid now comes from the federal government, which has emphasized loan programs — first the Nation Defense Student Loans, begun in 1958 and later the Guaranteed Student Loan Program, through which the federal government guarantees and provides an interest subsidy for loans to students by commercial banks. The state also plays a prominent role, however, and particularly in the field of scholarship aid — that is, aid provided on the basis of a combination of need and academic criteria. Next fall more than 5,000 freshmen will receive state scholarships which will enable them to attend the California university or college of their choice.

State Scholarships

The California State Scholarship Program was created in 1955 by the Legislature in the belief, according to the statute, that the collegiate education of California's qualified citizens is "a public purpose of great importance." During 1956, the State Scholarship Commission, an independent agency established to administer the program, granted $300,000 in scholarships (2 scholarships for each Senate and Assembly district and 400 scholarships at large) to California students who met the requirements. Today, the commission, a nine-member board made up of representatives from California's public and private institutions of higher education and the general public, is responsible for administering scholarships for over 20,000 students, as well as a Graduate Fellowship Program, College Opportunity Grants, and scholarships for dependents of Disabled and Deceased Peace Officers. Aside from the obvious goal of helping needy and talented students to finance the cost of higher education, the commission states as its aims two other objectives: to provide indirect assistance to California's independent colleges; and to realize a saving to the state as a result of assisting students to attend a private college, who would otherwise go to a public institution.

State scholarship award winners are selected on the basis of their Scholastic Aptitude Test scores, high school grade point averages (weighted equally) and financial need as determined according to the College Scholarship Service parents' confidential financial statement. Applications are received in the fall of the year preceding the year for which the scholarship is first to be awarded. Semi-finalists (all who qualify according to academic standards) are notified in January, and winners and alternates receive word of their awards in April. While many of the award winners are graduating high school seniors, students already in college are also eligible to apply for and receive the scholarships. Until recently, an age limit of 24 was imposed on winners, but with the passage in the 1971 session of AB 872 (Sieroty), the age limit has been raised to 30, and veterans are exempted entirely.

The amount of each award depends both on financial need of the student and the amount of tuition and other fees of the public or private institutions which he or she chooses to attend. Awards for state college and the University of California students are now approximately $150 and $400 ($200 less than total average UC fees) a year. For students who attend private institutions the award may go as high as $2,000 a year. A bill before the Legislature this year to raise the maximum grant to $2,500 failed. If a student receives a state scholarship but decides to go to a community col-

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lege, his scholarship will be placed in reserve until he transfers to a four-year institution. Awards may be renewed each year as long as the student is still in need of financial assistance and makes satisfactory academic progress, as determined by the college, for a maximum of four academic years or until graduation.

Three Percent

The commission may now grant new awards each year in a number equal to three percent of the number of high school graduates of the previous year. Last year approximately 39,000 students applied for the 9,348 new state scholarships awarded for 1971-72. In addition, 12,214 scholarships were renewed. Slightly more than half of those with new or renewed scholarships attended a public institution. This year the number of applications has increased to 40,000.

Clearly the state scholarship program has aided large numbers of students to attend the college of their choice, and it has made it possible for high tuition private colleges and universities to continue to draw a large number of students with high scholastic achievement despite continuing increases in tuition rates. Whether it also has reduced enrollment at public institutions, thereby saving tax dollars, is a matter of speculation, however. Representatives of the private colleges say that it has, but others, including the Legislative Analyst, say there is no convincing evidence one way or the other.

Although the Legislature has frequently resisted efforts to set aside state scholarships for special groups, it finally agreed in 1970 to guarantee scholarships for a state college or the University of California to children of law enforcement officers who lose their lives in the line of duty. Two bills were passed and signed into law in 1971 extending these scholarship benefits. AB 1038 (Quimby), permits these scholarships to be used by any university or college with a two-year or four-year course which is accredited by the Western Association of Schools and Colleges. The second bill, AB 499 (Quimby), extends these scholarship benefits to the children of law enforcement officers who are totally disabled in the line of duty. A maximum of $6,000 is allowed any one individual under this program, but only $1,500 can be paid out in any one year.

College Opportunity Grants

Although many students from minority groups win state scholarships each year, the state scholarship program itself is obviously not the kind of program which will make college possible for large members of low income and minority group students who for various reasons have been denied equal educational opportunities in the past. Recognizing this fact, the Legislature has sought over the past five years to develop and fund several programs which will aid such students. Among these programs is the College Opportunity Grant Program, established by statute in 1968 to be administered by the State Scholarship and Loan Commission, with the objective of providing "financial assistance for undergraduate study to disadvantaged students who are not necessarily able to avail themselves of present state competitive scholarships by the use of conventional selection methods."

College Opportunity Grants are awarded to students from low income families, usually but not exclusively black, Mexican-American or American Indian, who have demonstrated potential for academic success and future community leadership, and who need financial assistance in order to go on to higher education. Grant winners, with few exceptions, must enroll in a community college for their first two years, after which they may transfer to a four-year campus. Awards, which are expected to help cover living expenses and supplies as well as fees, may go as high as $1,100, plus the amount of mandatory fees.

In 1971-72 there were 5,943 applicants for 1,030 grants. In 1972-73, as a consequence of passage of SB 1279 (Rodda), there will be 2,000 grants. For this year's winners the average high school grade point average was 3.3 on a 4.0 scale and the median family income was $5,600.

Graduate Fellowship Program

In 1967 the Legislature directed the commission to establish a graduate fellowship program with much the same objectives as the undergraduate scholarship program except that it was specifically intended "to afford opportunity for graduate study for unusually able persons giving promise in the scholarly world and to produce a greater supply of competent teachers." Initially the awards, which were not to exceed the costs of tuition, were for one year only. However, legislation in 1969 authorized the commission to renew the fellowships for up to three additional years.

During the 1970-71 academic year 662 new graduate fellowships were awarded and 276 were renewed, but no new graduate fellowships were awarded in 1971-72 because the Legislature deleted the necessary funds. The Legislature's reluctance to provide the appropriation reflected the fact that the supply of college teachers now exceeds the demand and will continue to do so for many years.

During the 1971 session, however, AB 1154 (Lanterman), was passed to delete from the original statutory provisions any references to the preparation of teachers as an objective of the program and to add a provision that "awards shall be granted to students with academic ability and financial need in any graduate or professional field." AB 1154 also appropriates $20,000 to the State Scholarship and Loan Commission for administration of the graduate fellowship program, as revised, contingent upon there being an appropriation for the Graduate Fellowship Program in the 1972-73 state budget as proposed to the Legislature. Thus the program is still alive, but its future remains in doubt.

The Public Service Internship Program

The most recent addition to the commission's administrative responsibilities is the Public Service Internship Program which was established in 1970 to coordinate the various student programs which have been set up by individual state agencies. No funds were included in the original legislation, however, and the 1971-72 budget also failed to provide funds for this program, which the commission estimates will require about $190,000 for intern stipends. The statutory authorization for this program will terminate on June 30, 1973, and at present the prospects for funding do not seem hopeful in the absence of some type of federal assistance.

(Continued on page 346)

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TAXES *(Continued from page 341)*

parable benefits to elderly persons who are renters.

The new law also provides that when the counties send out their tax bills, they are to include a special notice calling attention to the fact that homeowners over the age of 62 may be eligible for tax relief under what is called the "Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Relief Act". A similar notice is also to accompany the mailing of the homeowner's exemption claim form.

Inventory Exemption

AB 1 also extends the 30 percent exemption from local property taxes for business inventories, which otherwise would have dropped back to 15 percent in 1972. Equally important, it provides a new system for reimbursing the counties for the lost revenue. Until now the counties have been required to reimburse all other local jurisdictions based on their claims for lost revenue, but have been reimbursed in turn by the state according to a formula which has proven to be unrelated to actual experience, and which has generally resulted in the underpayment of counties for the difference. Beginning in 1973, however, the state will reimburse the counties for lost revenue according to a claim procedure similar to that used locally, eliminating the need for supplementary appropriations.

The tax bill also provides for a revision in the funding of the Williamson Act, under which "open space" land is taxed according to its agricultural use rather than its highest market value. The new law provides that begining in 1972-73 counties are to receive $3 per acre in reimbursement for prime agricultural land near an urban center which is granted the open space classification, $1.50 per acre for other prime agricultural land, and $.50 per acre for non-prime land the preservation of which is found to be "of statewide interest." In the past the state has reimbursed the counties for their loss in property tax revenue only under very limited circumstances. The new law also provides a method by which rural school districts may recoup their revenue losses, combining a permissive tax override and offsetting state aid. Total state reimbursements to local government may go as high as $13 million in 1972-73, $15 million in 1973-74 and $17 million in 1974-75.

In addition, the State Office of Planning and Research is directed to prepare a statewide inventory of "present and potential prime agricultural land resources", together with an estimate of the amounts of such land that should be preserved during the following decade to achieve the objectives of the Williamson Act. However, the Governor used his item veto power to delete the $1 million in funding intended to pay for local participation in this planning activity.

Watson Amendment

Members of both parties expressed serious concern throughout the 1971 session that failure to include a major property tax relief provision in the 1971 tax law would give suport to the backers of the so-called Watson Amendment, which promises to set a ceiling of $7 per $100 in assessed valuation on local property taxes. If its backers can get sufficient signatures to put it on the June ballot, legislators fear that the voters may find it appealing, without understanding that it will result in sharp increases in state taxes and possible losses in revenue to local government. To counter that appeal, two provisions were added to the tax bill which legislators hope will help to defeat the Watson Amendment. The first simply requires that all property tax bills clearly indicate the reduction in property taxes which has been provided through the existing homeowners exemption. The second provision is somewhat more direct. It requires that the explanation of the ballot propositions which every voter receives include a financial analysis, prepared by the Legislative Analyst, of any increase or decrease in revenue to state and local government likely to result from each ballot proposition. Moreover, the new law requires that the statement of financial impact be included in the ballot proposition title. By this means legislators hope to expose what they believe to be the very serious financial consequences of the Watson Proposal.

Taken altogether, it is clear that AB 1 and AB 2109 are more than just stopgap revenue measures. Although they do not provide the property tax relief repeatedly promised by party leaders, they do incorporate a number of tax "reforms", expenditures, and expenditure controls of real significance, placing the two measures among the most important pieces of legislation enacted in the 1971 Session.

SCHOLARSHIPS *(Continued from page 345)*

To administer these programs the commission has a staff of approximately 55 full-time positions, plus temporary help, headed by Executive Director Arthur S. Marmaduke. Over the years Marmaduke, who has become prominent nationally in the student aid field, has built a reputation for effective and efficient management of the state's financial aid programs. He has also succeeded in steering the aid programs through a period of antagonism toward students without loss to the popularity which those programs, and especially the scholarship program, have enjoyed among legislators. It is not without significance that the budget for the commission rose by 17 percent for 1971-72 while other expenditures for support of higher education rose by only one percent.

Not that the commission has more money than it knows what to do with. The commission's original 1971-72 budget request was cut by $2.8 million by the Department of Finance, and then when these funds were added back to the budget bill by the Legislature at the recommendation of the Legislative Analyst, they were again cut by the Governor before he signed the 1971-72 Budget Act. To absorb this reduction it was necessary for the commission to reduce all scholarship awards by $150 each, except for those going to state college students, for which their was a $50 reduction.

Lack of additional funding has also prevented the commission from carrying on a continuing research program into the effectiveness of alternative forms of student aid and of financial aid generally in helping qualified students go on to higher education. Marmaduke has a strong personal interest in having the commission sponsor such research, but has so far been unsuccessful in obtaining more than a very small amount for this purpose.

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JUDICIAL COUNCIL *(Continued from page 338)*

however. It also wants to establish coordinating machinery to link the state's courts together more closely from bottom to top. Thus, it was testimony by Ralph Kleps on behalf of the council which was largely responsible for the defeat this year of a package of bills by Assemblyman James Hayes which would have consolidated the justice, municipal, and superior courts into a single superior court (see *California Journal*, July-August 1971, p. 196). The council's principal criticism of the Hayes bills was that they made no provision for a centralized court administrative structure. Sensitive to the fact that it has little power to enforce application at the trial court level of the rules and administrative recommendations it makes, the council is convinced that such a structure is essential. "All kinds of decisions are now being made at the state level which have to be translated into action in the trial courts," Kleps says. "Hayes' legislation created no machinery by which state government could act in a supervisory or management role with respect to the trial courts."

Kleps believes that the council will argue next year for a court unification plan in its report to the legislature. Although he will not say in advance what, specifically, will be proposed, it is likely to follow the recommendations which appear in the first phase report of the council's trial court study, released in September. The authors of the report, a private consulting firm working under the close supervision of council staff member Warren Marsden, call for the establishment of a consolidated "county court" to combine the municipal and justice courts. These county courts, are to be organized into five administrative regions. Each region is to have an administrative judge appointed by and responsible to the Chief Justice and assisted by a court administrator who reports directly to Kleps.

According to Marsden, serious consideration has been given in the second phase of the report, to be released soon, to consolidating the administration of the superior courts with the county courts, so that California will have a uniform state court administration with the Chief Justice and the Judicial Council firmly at the helm. The two courts would otherwise remain distinct, however, reflecting the strong preference which Wright and Kleps share for retaining clear distinctions between the two levels of judges at the trial level. In this they echo the reservations expressed by the Los Angeles County superior court judges who opposed the Hayes unification plan, arguing that it would be wasteful to pay experienced jurists superior court salaries to deal with the many small claims and petty infractions that occupy the calendar of the existing lower trial courts. Wright points out that in other states the courts have been forced, after experimentally setting up a single trial court system, to develop a lower-level judicial official, such as a magistrate, as in the federal court system, or the associate judges in the Illinois system, to deal with these smaller disputes.

However this problem is resolved, it is clear that court reorganization will be an important issue before the Legislature in the 1972 session. It is also evident that the Judicial Council, under Chief Justice Wright's leadership, will have a major role in shaping the legislation that emerges, and, as a consequence, will continue to gain authority and responsibility for the administration of California's Courts.

REAPPORTIONMENT *(Continued from page 329)*

That is, was the commission so fundamentally a part of the federal plan that the voters would not have voted for the reapportionment commission alone? One argument in support of the commission's validity is that the other alternative on the ballot in 1926 also had a similar reapportionment commission. Moreover, in other states which have reapportionment commissions, court cases have upheld their constitutionality.

On the other hand, the language of the *Silver v. Brown* case strongly implies that the commission is invalid in the court's view: " . . . we could not hold the provision creating the commission severable from the invalid parts of section 6." On this basis the Legislative Counsel, the Legislature's attorney, issued an opinion in which he argued that "the courts probably would neither uphold the commission's creation, nor, as a consequence thereof, its attempt to reapportion either the Senate or the Assembly."

However, Lieutenant Governor Ed Reinecke, the chairman of the commission, on December 8th issued a notice of intent to convene the commission pursuant to the constitutional provision. The action angered legislators of both parties because they were still attempting to reach agreement during the special session on a plan acceptable to both parties. Senate Democratic Caucus Chairman Mervyn M. Dymally called the move an "irresponsible act" and an "act of bad faith". Reinecke argued however, that it was his constitutional duty to act when the Legislature failed to reapportion during the regular session.

At 9:00 A.M. on December 15th, the Reapportionment Commission convened for the first time in its history. If the constitutionality of the commission was in doubt, its ability to come up with a "fair, equitable and non-partisan" plan as Reinecke hoped, appeared just as doubtful.

Three members of the commission are Republicans — Reinecke, Attorney General Evelle J. Younger, and Controller Houston Flournoy — and two are Democrats — Secretary of State Edmund G. Brown Jr. and Wilson Riles, who holds the non partisan office of Superintendent of Public Instruction. Brown almost immediately moved to adjourn, and when that was defeated moved to make a two-thirds rule (four of the five members) applicable to all actions of the commission. The motion carried 2-to-1 because Younger was out of the state and Flournoy left early to attend another meeting.

Commission Procedures

Prior to the second meeting on December 17th, Brown and Reinecke agreed privately that the two-thirds rule would be applicable only to the plan which the commission approved, not to procedural matters. However, Reinecke later backed away from the agreement when Younger and the commission's parliamentarian, Paul Mason, argued that the commission could not legally delegate to a minority of the commission the power to block the commission's work. Brown countered that since the action of the commission is expressly subject to referendum, which means a plan may not go into effect for 91 days, and since it is necessary for reapportionment to be done sooner, a 3-2 reapportionment plan would be overturned by the courts. A plan passed by a two-thirds margin, however,

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might be equivalent to an "urgency" measure passed by two-thirds of the Legislature, which becomes effective immediately upon signature by the Governor.

Attorney General Younger agreed to have his staff research both questions. Reinecke then ruled that the two-thirds vote requirement for the commission was recinded by a 3-1 vote of the commission, but said he hoped for a unanimous vote on final passage of a plan. The commission then scheduled hearings in Los Angeles and San Francisco to receive testimony on reapportionment.

As the commission was adjourning in Sacramento, the Supreme Court in San Francisco issued a temporary restraining order, requested by the legislative Democratic leaders, directing the commission not to do any reapportioning or redistricting until the court could act on the question of the constitutionality of the commission. The court did say, however, that the commission may proceed to prepare tentative plans. Reinecke and the Democrats both hailed the decision as a victory for their side.

The Courts

The State Supreme Court now moves to stage center, as it assumes the role of final arbiter in a series of complicated issues. Already before the court is the question of the constitutionality of the reapportionment commission. Assuming, however, that the commission is held to be unconstitutional, its role in the process would end.

If, on the other hand, the commission is found valid, it will prepare a reapportionment plan which could be challenged on a number of grounds, including procedural questions, such as the number of its members needed to adopt a plan and the fairness of the proposed plan itself. Another ground for challenging the commission is that the Legislature did manage to reapportion itself, and therefore the commission is not empowered to act. The constitution requires that the Legislature reapportion itself in the first regular session after the census. It could be argued that the first regular session did not end until the veto session of January 3rd, thirty days after the regular session recessed. And, in any case, the court might find that even if the regular session had ended the Legislature could still reapportion itself if it did so in time for the next election.

Supporters of the commission argue that the regular session ended on December 2nd, and they point to the fact that the brief filed by the Legislature, requesting the court to issue a temporary restraining order on the commission's activities, conceded this point.

Governor's Power

Whether the Legislature did in fact reapportion itself, regardless of the timing, may also be a question before the court. The Legislative Counsel has issued an opinion stating that the Legislature must reapportion itself with a bill and that a bill must be signed by the Governor. Democrats argue that the constitutional provision requiring the Legislature to reapportion itself implies that the Governor's signature is not needed and that he cannot veto a reapportionment bill. That was the reason for passing concurrent resolutions, which do not require the Governor's signature, as well as bills. Privately, however, they concede that the court is likely to agree with the Counsel's view.

Assuming that the Legislative Counsel is correct in his opinions, the court will find the Reapportionment Commission unconstitutional and will find that the Legislature cannot reapportion itself without the Governor's signature. At this point the state Supreme Court could go into the reapportioning business itself. This the court seems understandably reluctant to do, but there is recent precedent for this course in California. In 1965, when the Legislature had failed to reapportion on the basis of one man, one vote, the court ordered the Legislature to reapportion by a certain date or a plan attached to the decision would go into effect for both houses. The court plan was not implemented because the Legislature, horrified by the proposal, acted in time.

Number One Question

The court might follow this pattern this time or it could immediately order implementation of a plan. In either case the question is how the court chooses that plan. Most legislative leaders from both parties are said to believe privately that reapportionment will ultimately be decided by the court, and both sides seem to feel that their chances are as good or better in the court as in the legislative halls — that the court is more likely to select a plan they prefer to the one they could get through legislative bargaining. But, obviously both sides cannot be right.

What then are the reasons that each side feels certain that it will do better in court? The Democrats have two points justifying their optimism. The first is that the court, assuming it is reluctant to draw up an entirely new plan, will look for another route. That route might be the one of accepting a plan which has received a majority vote from each house even though it was not signed by the Governor. There is some precedent for such a procedure from other states. Secondly, and strengthening the first point, is the fact that four of the seven justices of the State Supreme Court are Democrats.

The Republicans also have two major points justifying their optimism. The first of these is that there will be plans before the Court which present more nearly mathematically identical districts — the primary concern of the court — and which incidentally provide for districts which are much more compact and which take even greater cognizance of "community of interest", especially in not dividing up cities and counties. Secondly, it is a simple fact of demography that Democrats are heavily concentrated in a relatively few areas of the state. Thus, any plan which is not carefully designed to maximize the number of Democratic districts will help Republicans. As one Capitol observer put it: "It's easy for the Republicans to talk 'good government' because they get patrisan advantage from it in this case."

While all of these alternatives are being considered, it is still possible that Republicans and Democrats in the Legislature and the Governor will reach agreement on reapportionment, either on their own or after some prodding from the court.

And whatever else happens, many legislators, and the public, will continue to wonder if there isn't a better way to do all this. Until someone comes up with a better way, the occasional proposals for a census every five years will be as welcome as hemlock.

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LETTER FROM WASHINGTON
By Lou Cannon

Cherry trees bloomed in Washington this December, and Santa Claus sweated in the downtown department stores. California congressmen, returning to the capitol after weekend trips to their districts, complained that Southern California was colder than Washington for the first time in their winter memories.

Politics in Washington, the one city where politics always seems more important than any other topic, was as unseasonable as the weather. Senator Ed Muskie's presidential campaign, though not scheduled for formal announcement until January 4th, bloomed early with endorsements from a dozen states. No endorsement was more important than the one made by Senator John Tunney, principally because it signalled to the doubters that Senator Edward Kennedy would not be a candidate in the Democratic primaries. In retrospect this interpretation strangely reflects on political credulity in Washington ("they don't believe Teddy when he tells them he isn't a candidate, so I don't know why the hell they should believe Tunney," complained one Kennedy staffer) but it was far and away the most strategic endorsement Muskie has received. The Maine senator is also doing well among the California congressional delegation, where Democratic Representatives Tom Rees of Los Angeles and Jerry Waldie of Antioch have been toiling in the Muskie vineyards for many months. Already aboard the Muskie bandwagon in addition to these two are Lionel Van Deerlin of San Diego, Bob Leggett of Vallejo and Charles Wilson of Los Angeles. John Moss of Sacramento and John McFall of Stockton are expected to announce any day.

This support for Muskie is all the more remarkable when it is balanced against the failure of any other major candidate to receive any California congressional endorsement at all. The sole exception among the twenty members of the California delegation is Ron Dellums of Berkeley, who understandably has backed Representative Shirley Chisholm, the plainspoken black lady from New York who reportedly is reconsidering her "firm" decision to run. George McGovern, after a year of campaigning, does not have a single California congressman openly on his side. Phil Burton of San Francisco, whose brother John has endorsed McGovern, is sitting this one out in hopes of becoming chairman of the platform committee at the Democratic National Convention. Don Edwards of San Jose, the first congressman anywhere to endorse Eugene McCarty for President in 1968, likewise is taking no sides.

Edwards, considered by some as the delegation's most improved congressman, reflects the Other View in the California delegation, the view of those liberals who have all but conceded the nomination to Muskie and who are striving to influence his prospective policies and his choice of a vice presidential nominee. Edwards recalls Muskie's endorsement of the majority plank supporting U.S. involvement in Vietnam at the 1968 convention. He is convinced that Muskie has now "seen the light" on Vietnam, yet he does not want Muskie to take the liberals for granted on this and other issues. "Historically, Senator Muskie has been late to commit himself on issues," Edwards says. "We want to make sure that he continues on a progressive course. Edwards adds, in a comment that dispels any lingering notion he is entranced with a possible McCarthy "fourth party" candidacy: "I would support him (Muskie) if he were nominated and chose a good running mate."

Democrats on the delegation are almost evenly divided between those congressmen who, like Edwards, hope to keep Muskie's ear by withholding their endorsement, and those who believe that the Muskie train is leaving the station and it is time to get aboard. A few, like Dellums and Ed Roybal of Los Angeles, are restrained by ethnic considerations, and two or three others, most notably delegation dean Chet Holifield of Montebello, are uncommitted in the belief that Hubert Humphrey is waiting in the wings. But the overwhelming majority of those who endorse will go for Muskie.

There is also, on the other side of the capitol, the senior senator from California, Alan Cranston, who wanted to catch the Muskie train but missed it through his own overcaution. Paul Ziffrin, the former Democratic national committeeman returned from obscurity to sound the tocsin for Muskie, actively solicited Cranston's chairmanship of the Muskie campaign in California. He had the assistance of Steve Reinhardt, the state's Democratic national committeeman, who also sought to spur Cranston to move ahead of Tunney. Cranston hesitated and was lost, despite a generous last-minute offer from Tunney that would have allowed Cranston co-chairmanship of the California campaign. It is a matter of establishable record that Cranston was first asked to head the Muskie campaign in California last summer at a time that Tunney was presumed to be surely in the Kennedy camp. "I thought it was a standing invitation," says Cranston, a capable senator who once more became entangled in his own unwillingness to dare.

There remains the question of what, if any, value attaches to congressional endorsements in a California presidential primary. Intrinsically, Tom Rees believes, the value isn't much, but there are fallout benefits. "You have to look at what the endorser is going to do," he maintains. "Muskie is running in a primary and we're all running in primaries. This puts congressmen in a strategic position to provide headquarters, slate mailing pieces and the other essentials of politics."

Rees should know. His own congressional district delivered the best margin for Hubert Humphrey in 1968, and it is not coincidental that it also had the best slate mailing. "Elections are still won in the precincts," declares Rees with un-McLuhanish rectitude. For what it's worth, Rees also believes the widely publicized Democratic party reforms will enable officeholders and California's equivalent of party bosses to call the tune in the February endorsement caucuses, thus bringing less, not more, democracy to the political system. "It won't be possible to nominate an Adali Stevenson again," says Rees, and he is right. Democrats will have to settle for Muskie.

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CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month; if one of these boards is not listed, it can be assumed that it is not scheduled to meet this month. Boards and commissions to be included are: Board of Corrections; Trustees of the California State Colleges; California Community Colleges Board of Governors; Coordinating Council for Higher Education; Board of Education; Highway Commission; Little Hoover Commission; Commission on Housing and Community Development; Lands Commission; Park and Recreation Commission; University of California Board of Regents; and Social Welfare Board.

Jan. 3 **1972 Legislative Session Convenes.** State Capitol, Sacramento. 12:00 noon.

Jan. 13-14 **State Board of Education.** Natural Resources Building, 1416 9th Street, Sacramento. 9:00 a.m.

Assembly Natural Resources & Conservation Committee. Eureka, place to be set. Forest Practices and Watershed Management.

Jan. 13-15 **California Law Revision Commission.** State State Bar Building, 1230 West Third Street, Los Angeles. 1/13, 7:00 p.m. 1/14 & 1/15, 9:00 a.m.

Jan. 14 **State Park & Recreation Commission.** City Council Chambers, Monteverde Street, Carmel. 9:00 a.m.

Jan. 20 **Commission on Housing & Community Development.** 1121 O Street, Room 3344. 1:30 p.m.

Jan. 20-21 **Highway Commission,** Los Angeles. Place and time to be set.

Jan. 21 **Board of Regents, University of California.** University Extension Center, 55 Laguna St., San Francisco.

Jan. 25-26 **Board of Trustees, California State Colleges.** Third Floor Auditorium, 5670 Wilshire Blvd., Los Angeles. 8:30 a.m.

Jan. 26 **Little Hoover Commission.** State Capitol. 10:00 a.m. (Date Tentative).

Jan. 27-28 **Social Welfare Board.** 1/27, State Capitol. 1/28, 744 P Street.

Feb. 1 **Coordinating Council for Higher Education.** Host Hotel, Sacramento Metropolitan Airport, Sacramento. 9:00 a.m.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

PEOPLE IN THE NEWS

APPOINTED

Wardell A. Connerly, 32, formerly consultant with the Assembly Committee on Urban Affairs and Housing, as Assistant Director of the Department of Housing and Community Development, by department director Donald F. Pinkerton.

Richard C. DeWalt, 38, deputy chief of the Bureau of Employment Agencies, as chief of the bureau, by Governor Reagan.

William B. Dendy, 33, manager of the Santa Ana Watershed Planning Agency, as Executive Officer of the State Water Resources Control Board.

A. N. Dunham, 45, an assistant state highway engineer, as deputy director of the State Department of Public Works, by Public Works Director James A. Moe.

Paul R. Gore, 46, Vice Mayor of Napa, to the Commission of Housing and Community Development, by Governor Reagan.

Richard E. Kazan, 36, of Arcadia, former consultant to the Governor's Survey on Efficiency and Cost Control, as Chief of the Division of Housing and Community Development.

Mrs. Jean Smith, wife of University of California Regent William French Smith, Governor Reagan's attorney, to the California Arts Commission, replacing Mrs. Charlotte Hamilton, by Governor Reagan.

Harold C. Winslow, 49, deputy chief of the Bureau of Furniture and Bedding Inspection, as chief of the bureau, by Governor Reagan.

ELECTED

Assemblyman Charles J. Conrad of Sherman Oaks, Republican from the 57th District, as Chairman-Elect of the Governing Board of the Council of State Governments for 1973. The purpose of the council, organized in 1933, is to improve individual states' legislative and administrative procedures.

James C. Dodd, 48, a Sacramento architect, as chairman of the Board of Governors of the California Community Colleges. He was appointed to the board in 1968 by Governor Reagan.

RESIGNED

Jerome Gilbert as executive officer of the State Water Resources Control Board, effective February 4th. Gilbert, who held the water board post for nearly two years, is going into private consulting in Sacramento.

George R. Steffes, 36, chief legislative advisor to the Governor and director of programs and policy for the administration. Steffes will join California Advocates, Inc., a Sacramento-based lobbying firm.

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Selected State Government Reports

CRIMINAL JUSTICE

Can High-Risk Police Applicants Be Identified? Institute of Local Self Government, Hotel Claremont Bldg., Berkeley 94705. July, 1971. 89 p. $3.00. Study of methods used in police selection to determine what types of individuals are likely to voluntarily terminate or be dismissed for improper conduct.

Report of the Blue Ribbon Jail Study Committee, Santa Clara County Bar Association, 100 Park Center Plaza, San Jose 95113. Dec., 1971. 30 p. An evaluation of the criminal custodial facilities maintained by Santa Clara County with recommendations for corrective action.

EDUCATION

Reading Subscores in California's Statewide Testing Program, Dept. of Education, 721 Capitol Mall, Sacramento 95814. Dec., 1971. 6 p.

State Apportionments for Research in Special Education, Dept. of Education, 721 Capitol Mall, Sacramento 95814. Dec., 1971. 5 p.

Principles, Objectives and Curricula for Programs in the Education of Mentally Gifted Minors: Kindergarten through 12th Grade, Dept. of Education, 721 Capitol Mall, Sacramento 95814. 1971. 125 p.

ENVIRONMENT

A Review of Pesticide Monitoring Programs in California, prepared by Ad Hoc Working Group of the Pesticide Advisory Committee to the Dept. of Agriculture. Available from State Water Resources Control Board, 1416 9th St., Sacramento 95814. Feb., 1971. 80 p.

Environmental Quality: The Second Annual Report of the Council on Environmental Quality, U.S. Government, 1971. 360 p. Examines state economic and legal developments in relation to environmental protection. Supt. of Documents, 5801 Tabor Avenue, Philadelphia, Pa. 19120. $2.00.

National Shoreline Study: California Regional Inventory, Dept. of the Army, South Pacific Division, Corps of Engineers, San Francisco. Nov., 1971. Presents an inventory of the physical characteristics, historical changes, ownership and use of the California coastline, including major offshore islands, bays and estuaries.

The Ultimate Highrise, edited by Bruce B. Brugmann and Greggar Sletteland, San Francisco Bay Guardian, 1070 Bryant Street, San Francisco 94103. 255 p. 1971. $2.95. Collection of articles on highrises and other urban development problems in San Francisco.

HEALTH AND WELFARE

California State Plan for Health, Task Force for the Development of the State Plan for Health, Office of Comprehensive Health Planning, 744 P St., Room 576, Sacramento 95814. 329 p. Two supplements: **Perspectives for Health Planning** and **California Health Manpower.** Released Nov., 1971. The report provides a basic foundation for statewide comprehensive health planning. $5.00. Checks payable to State Dept. of Public Health.

Report on the Aid for the Adoption of Children Program, Dept. of Social Welfare, 744 P St., Sacramento 95814. May, 1971. 22 p.

MISCELLANEOUS

Report on State Agencies' Contracts for Consulting Services, Joint Legislative Audit Committee, Assemblyman Vincent Thomas, Chairman, State Capitol, Sacramento 95814. Nov., 1971. 65 p. Recommends a complete study of state agencies' use of outside consultants rather than state employees and contains listing of consulting contracts let from July, 1966 through June, 1971.

Irvine Community Associations, by Michael M. Hertel, Claremont Urban Research Center, Claremont Graduate School, Harper East 107, Claremont 91711. 1971. 134 p. $5.00 plus postage. Study of the neighborhood associations which exercise control over land use, recreation, and other activities within the planned community of Irvine and their prospective roles when Irvine incorporates as a city.

BOOKS PUBLISHED IN 1971 ON CALIFORNIA GOVERNMENT AND POLITICS IN GENERAL

Anti-California: A Report from Our First Para-Fascist State, by Kenneth Lamott, Little Brown & Co., Boston. 1971. 272 p. $6.95. A highly critical analysis of political and social conditions in California, where "war is literally the health of the state" and people are governed by "men so clownish it is hard to take them seriously as politicians."

The Secret Boss of California: The Life and High Times of Arthur H. Samish, by Arthur Samish and Bob Thomas, Crown Publishers, Inc., New York. 1971. 192 p. $5.95. Autobiography of California's most powerful lobbyist, who rose to power in the 30's, and controlled lobbying operations in the State Capitol for nearly two decades.

The California Syndrome, by Neil Morgan, Ballantine Books, Inc., New York. June, 1971. $1.25. The syndrome, according to the author, consists of California's unique political climate, economic superiority, social upheavals, and cultural whims.

Politics and Government in California, by Bernard L. Hyink, Seyom Brown, and Ernest W. Thacker, Crowell Publishing Co., 1971. 300 p. plus appendices. 7th ed. $3.95. Particular emphasis on special interest groups and lobbying in connection with the making of public policy, legislative representation and reapportionment, the proliferation of government agencies, and local government problems and financing. Contains interviews with William Roberts of Spencer-Roberts and Associates, Senator John Tunney, and Rep. John Rousellot.

California: Past, Present, Future, 1971-72 California Information Almanac. 704 p. $2.95. Order from Sacramento Bee, P.O. Box 15779, Sacramento 95813. Checks payable to the Bee. Twenty-six chapters covering government and history, industry, economics, population, geography, etc.

The Sometime Governments: A Critical Study of the 50 American Legislatures, by the Citizens Conference on State Legislatures, written by John Burns, Bantam Books, Inc., 666 Fifth Ave., New York, N.Y. 10019. Aug., 1971. 367 p. $1.95. Results of a national study ranking the California Legislature as the number one state lawmaking body in the nation.

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VOTING RECORDS

SENATE

November 19 to 26

AB 486 (Fenton) — Increases maximum weekly disability insurance benefits from $87.50 to $105 for temporary disability and from $52.50 to $70 for permanent disability. Passed 29-0.

SB 433 (Collier) — Authorizes state college student activities fees to be used to support instruction-related programs and student lobbying operations. Senate concurred in Assembly amendments, 21-10.

SB 845 (Grunsky) — Appropriates $1,821,379 for salary increases for state firefighters. Passed 28-6.

AB 131 (B. Greene) — Requires elementary and high school textbooks used in public schools to contain accurate and realistic portrayals of women and men in all types of roles. Passed 22-9.

AB 1736 (Moorhead) — Provides that a prisoner selected for a specific research program may be paroled upon completion of diagnostic study of him. Passed 21-10.

AB 2346 (Cullen) — Establishes procedure for determining reasonable cost of skilled nursing home services under Medi-Cal Program. Passed 21-8.

AB 3022 (Sieroty) — Provides that a publisher, editor or reporter employed by a newspaper, wire service, radio or TV station, or any person formerly so employed, may not be cited for contempt for refusing to disclose the source of any information gained while employed by the press. Passed 21-9.

AB 734 (Brathwaite) — Authorizes the establishment of day care centers on or near University of California, state college, and community college campuses, for children 2 years of age and under. Passed 28-6.

AB 1806 (Miller) — Requires local agencies to determine what property is in excess of local agency needs and authorizes the lease, sale, or transfer of such excess property to provide housing for persons and families of low and moderate incomes. Passed 21-11.

AB 728 (Brathwaite) — Provides that surviving spouse whose spouse died during either of two preceding taxable years may file joint income tax return if gross income in the taxable year was less than $10,000. Passed 21-13.

AB 1527 (Moretti) — Enacts the Equal Employment Opportunity Act of 1971. Appropriates $4,750,000 to establish public service jobs. Passed 27-8.

ACA 31 (Vasconcellos) — Permits Legislature to authorize school districts to carry on any educational programs which are consistent with state law and which are not in conflict with the purposes for which school districts were formed. Failed 26-8 (required 27 votes).

November 29 to December 2

SB 153 (Moscone) — Appropriates $5,434,140 from Motor Vehicle Fund to raise salaries of California highway patrolmen up to six percent for remainder of fiscal 1971-72. Passed 27-6.

SB 17 (Dymally) — Reapportions congressional districts. Passed 24-6.

AB 1935 (Quimby) — Prohibits charter cities and charter counties from requiring their employees to live within the city. Inapplicable to San Francisco City and County and Los Angeles County. Failed 12-13.

AB 3040 (Miller) — Prohibits state agencies from entering into contracts in excess of $5,000 with parties who are found not to be in compliance with specified air and water pollution laws. Passed 21-6.

AB 205 (Cullen) — Omnibus horse-racing bill. Passed 27-8.

AB 334 (Warren) — Changes minimum age of jurors from 21 to 18. Passed 21-9.

AB 2552 (Moretti) — Establishes criteria and procedures for compensating victims of crimes. Passed 28-4.

AB 1403 (Crown) — Requires Director of Health Care Services to distribute a list of frequently prescribed multiple-source drugs, including their generic and brand names, to physicians, dentists, pharmacists, and other health professionals. Passed 22-11.

ACA 63 (Cline) — Would allow 18 to 21-year-olds to purchase and consume liquor, subject to voter approval at 1972 election. Failed 9-14.

AB 30 (Warren) — Extends minimum wage rate of $1.65 per hour, now applicable only to women and minors, to men. Passed 22-6.

ACA 26 (Z'berg) — Declares as state policy the conservation and protection of natural resources of the state and directs the Legislature to enact legislation necessary to protect the environment. Failed 12-10.

AB 2329 (Lanterman) — Provides that a legislator who was elected to office prior to 12/31/69 may retire with a special bonus at any time rather than just after the term in which reapportionment of his district occurs. Passed 22-11.

AB 724 (Bagley) — Directs the State Board of Education to adopt rules and regulations to prevent and eliminate racial and ethnic imbalance in public school enrollment. Requires school districts to submit statistics periodically to Dept. of Education regarding the makeup of public schools within their jurisdiction. Passed 21-5.

AB 2971 (Miller) — Authorizes the termination of a person's sentence, if certain conditions are met, provided person is under life sentence, for whom no minimum term has been provided, and has been on parole continuously for 5 years. Passed 22-6.

AB 1057 (Knox) — Establishes the Conservation and Development Agency of the Bay Area and also authorizes the preparation and adoption of a San Francisco Bay Plan for the conservation of Bay Area resources. Senate refused to approve, Senate-Assembly conference committee compromise, 17-16.

AB 620 (Waxman) — Abolishes suit for deficiency balance on used automobile when debtor has defaulted in payments and automobile is repossessed. Failed 14-19.

AB 1776 (Miller) — Authorizes any city or county by ordinance to require any new multi-family apartment house, cooperative, or condominium which receives federal assistance to make a specified number of low and moderate-income units available. Failed 14-15.

AB 1278 (Waxman) — Shortens state residency requirement from 1 year to 90 days and permits person to register to vote upon reaching the age of 17. Failed 20-13.

ACA 16 (Foran) — Authorizes the

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use of highway revenues for the construction of public transit systems and for the control of environmental pollution caused by motor vehicles. Subject to voter approval. Failed 24-12 (27 votes required).

ACA 22 (H. Johnson) — Changes terms of state senators from 4 to 6 years and terms of state assemblymen from 2 to 4 years. Subject to voter approval. Failed 7-25.

AB 1419 (Warren) — Creates Office of the State Public Defender to represent any person who is not financially able to employ legal counsel in post-conviction proceedings. Passed 21-5.

AB 792 (Ralph) — Authorizes the Fair Employment Practices Commission to investigate and approve equal employment opportunity programs submitted to it by contractors on state public works projects in excess of $200,000. Passed 21-11.

AB 220 (Brown) — Establishes the Division of Marine Traffic Control and four marine traffic control zones. Prescribes duties of ship controllers, masters and bar pilots regarding the movement of vessels within the four control zones: San Pedro and Santa Monica Bays; San Diego; San Francisco, San Pablo, and Suisun Bays; and Humboldt Bay. Passed 27-12.

AB 285 (Meade) — Appropriates $1.3 million in additional general support for the University of California. Passed 27-7.

ACA 32 (Miller) — Grants Legislature power to create a complete system of catastrophe insurance compensation against the loss or damage to personal property caused by earthquakes, floods, or other natural disasters. Failed 21-15 (27 votes required).

AB 192 (Priolo) — Establishes the California Fair Campaign Practices Commission to investigate and publicize unfair campaign practices. Failed 14-13.

SB 279 (Alquist) — Provides alternative method of selecting Republican candidates for presidential nominee by providing that candidates on the presidential primary ballot shall be those found to be recognized throughout the state and nation if candidate has properly formed a delegation. Senate refused to adopt conference report, 18-5.

AB 612 (Bagley) — Repeals 1970 prohibition against school districts busing students without parental consent. Failed 12-18.

SB 138 (Nejedly) — Enacts Nejedly-Z'berg Solid Waste Management and Resources Recovery Act of 1971. Establishes comprehensive statewide solid waste management policy and requires each county to adopt waste disposal plan. Vote to override 27-3.

SB 698 (Marks) — Appropriates up to $2,472,546 and up to $1,150,000 to California State Colleges and California Community Colleges respectively for educational opportunity programs, provided sufficient revenues are made available. Attempted override of Governor's veto failed, 20-9.

SB 789 (Petris) — Specifies allowable hydrocarbon, carbon monoxide, and nitrogen oxide exhaust

SENATE	AB 486	SB 433	SB 845	AB 131	AB 1736	AB 2346	AB 3022	AB 734	AB 1806	AB 728	AB 1527	ACA 31	SB 153	SB 17	AB 1935	AB 3040	AB 205	AB 334	AB 2552	AB 1403	ACA 63	AB 30	ACA 26	AB 2329	AB 724	AB 2971	AB 1057	AB 620	AB 1776	AB 1278	ACA 16	ACA 22	AB 1419	AB 792	AB 220	AB 285	ACA 32	AB 192	SB 279	AB 612	SB 138	SB 698	SB 789	AB 1633	AB 2311	AB 1
Democrats																																													
Alquist	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Beilenson	*	*	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y	Y	*	Y	Y	*	Y	Y	Y	Y	Y	N	Y	Y	Y	*	Y	*	*	*	Y	Y	Y	Y	Y
Carrell	Y	Y	Y	Y	*	*	*	*	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y	N	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
Collier	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	*	Y	N	Y	Y	*	Y	N	*	Y	N	Y	*	Y	Y	Y	Y	Y	N	*	Y	Y	*	Y	*	Y
Dills	Y	N	Y	Y	N	Y	N	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	N	Y	*	N	Y	Y	Y	Y	Y	N	Y
Dymally	*	Y	Y	Y	*	*	*	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
Gregorio	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Holmdahl	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	*	Y	Y	N	N	Y	N	Y	N	Y	Y	N	*	Y	Y	Y	Y	*	Y	N	Y	Y	Y	*	N	Y
Kennick	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	*	Y	Y	N	Y	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y
Mills	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	N	*	Y	Y	Y	Y	Y	Y	Y
Moscone	*	Y	Y	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	*	Y	Y	Y	Y	Y	Y
Petris	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	*	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Roberti	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y
Rodda	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Short	Y	Y	Y	*	Y	Y	*	*	*	Y	Y	Y	*	*	*	N	Y	Y	Y	Y	Y	Y	N	*	Y	Y	*	*	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Song	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	*	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	*	*	*	Y	Y	*	Y
Stiern	Y	N	N	Y	N	*	*	Y	Y	*	Y	N	Y	N	N	Y	N	Y	Y	Y	*	Y	*	N	Y	*	N	N	*	Y	Y	Y	*	*	Y	Y	Y	N	Y	*	*	Y	*	N	N
Teale	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	*	N	Y	Y	Y	Y	N	N	Y	*	Y	Y	*	Y	Y	Y	Y	N	*	Y	Y	Y	*	Y	*	*	*	Y	Y	Y	Y	Y	*
Walsh	Y	N	Y	N	N	Y	*	Y	*	Y	Y	Y	*	Y	*	*	Y	*	*	*	*	*	*	*	*	*	*	*	N	*	*	Y	Y	Y	N	N	*	*	N	*	*	*	N	N	Y	
Wedworth	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	*	*	Y	Y	Y	Y	Y	*	*	*	*	*	*	*	*	*	*	Y	N	N	*	Y	Y	Y	N	*	*	*	*	*	*	*	Y
Zenovich	Y	*	*	*	*	*	*	*	*	*	*	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Y	Y	Y	Y	Y	N	Y	Y	Y	*	Y	*	*	*	*	*	*	Y	*	
Republicans																																													
Bear	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Bradley	Y	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	*	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N	N	N	N	N
Burgener	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	N	N	N	N	Y	N	Y	Y	N	N	N	Y	Y	N	Y	N	N	N	N	Y
Carpenter	•	N	Y	N	N	N	N	N	N	N	N	Y	N	N	Y	N	Y	N	Y	N	*	*	*	*	*	*	*	*	*	*	*	N	N	N	Y	Y	N	Y	N	N	Y	*	N	N	N	N
Cologne	Y	Y	N	Y	Y	N	Y	Y	N	Y	N	*	N	Y	Y	N	Y	Y	*	N	Y	N	*	Y	*	Y	N	N	N	N	N	N	Y	N	Y	Y	N	N	Y	Y	N	N	N	N	N	Y
Coombs	Y	Y	Y	N	N	*	*	Y	*	*	*	Y	N	Y	Y	N	Y	N	*	N	*	*	*	Y	N	N	N	N	N	*	N	N	Y	N	N	Y	Y	*	N	N	*	*	*	N	N	*
Cusanovich	Y	N	N	*	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y	Y	N	N	Y	*	N	*	N	N	N	N	Y
Deukmejian	Y	N	Y	Y	Y	Y	N	Y	N	Y	Y	N	Y	N	*	*	Y	Y	Y	Y	Y	N	Y	*	Y	N	N	N	N	Y	Y	Y	N	N	N	Y	*	N	Y	*	*	N	N	Y		
Grunsky	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N	Y	N	Y	Y	N	Y	Y	Y	Y	N	N	*		
Harmer	*	*	*	N	Y	N	N	N	N	N	N	Y	N	Y	*	*	Y	N	N	N	*	*	N	Y	*	Y	N	N	N	N	Y	*	*	*	N	*	*	Y	*	N	*	N	N	N	*	Y	
Lagomarsino	Y	N	Y	N	N	Y	N	N	N	N	N	Y	Y	N	N	Y	Y	N	N	N	*	N	Y	Y	*	N	N	N	N	N	N	Y	•	N	Y	N	Y	Y	N	*	N	*	N	N	Y	
Marks	Y	Y	Y	*	*	Y	Y	Y	Y	N	Y	Y	Y	*	Y	*	*	Y	*	N	*	Y	Y	*	Y	Y	N	*	N	Y	N	N	Y	N	*	Y	Y	*	*	Y	Y	*	*	N	Y	
Marler	Y	*	*	N	Y	Y	N	Y	N	N	N	Y	Y	Y	N	Y	N	N	Y	N	*	*	N	Y	Y	Y	N	N	N	*	N	N	Y	*	N	N	Y	*	*	Y	Y	N	*	N	N	N	*	Y
Nejedly	*	*	*	*	*	*	*	*	*	*	*	Y	Y	Y	N	Y	N	Y	Y	Y	N	Y	Y	N	Y	Y	N	N	N	N	Y	N	N	N	N	Y	Y	Y	*	N	Y	Y	Y	N	N	Y	
Richardson	Y	N	N	N	N	N	N	N	*	N	N	N	N	N	*	N	Y	Y	*	N	N	*	*	N	N	*	N	N	N	N	N	N	N	N	N	N	N	N	*	N	Y	*	N	N	N	
Schrade	Y	N	Y	N	N	N	N	N	N	N	Y	N	Y	N	Y	*	Y	N	*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	*	N	N	N	N	*	N	N	*	N	N	N	*
Stevens	*	Y	Y	*	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	*	Y	N	Y	Y	N	Y	*	Y	*	*	*	N	N	N	Y	N	*	N	Y	Y	Y	Y	*	N	Y	*	*	*	N	Y
Way	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N	Y	*	*	*	*	*	*	Y	Y	Y	*	N	N	N	Y	Y	N	N	N	N	Y	N	Y	Y	Y	N	Y	Y	Y	*	Y	Y	*	N	Y	Y
Whetmore	*	*	*	*	*	N	Y	N	N	N	N	Y	Y	N	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	N	Y	Y	N	Y	N	N	N	N	N	N	N	N	*	

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emissions for new 1975 and later model year vehicles weighing under 6,000 pounds which are sold and registered in the state. Attempted override of Governor's veto failed, 21-9.

AB 1633 (Waxman) — Would allow persons to register to vote upon reaching age 17, and provide for the appointment of multi-lingual election officials in precincts where a substantial number of non-English speaking persons reside. Senate refused to adopt conference report, 15-17.

AB 2311 (Murphy) — Excludes from prohibition against ex-felons becoming peace officers, persons who were under the age of 21 at the time they committed the offense and who did not serve a term in state prison. Failed 16-19.

Special Session

AB 1 (Bagley) — Compromise tax $501 million measure. See article, page 339.

ASSEMBLY

November 19 to 26

AB 2109 (Bagley) — Exempts candy, gum, and confectionary from sales and use taxes, revises tax exemption on prepared foods, revises method of determining value of vehicles for purposes of use tax, and requires inheritance gift taxes to be paid quarterly instead of annually. Assembly concurs in Senate amendments, 48-14.

SB 18 (Dymally) — see description under Senate. Passed 41-35.

AB 950 (Fong) — Allows instruction about venereal disease in health education courses and exempts such instruction from restrictions which apply to sex education classes. Attempted override of Governor's veto failed, 46-26.

November 29 to December 2

AB 794 (Ralph) — Authorizes Fair Employment Practices Commission attorney to file complaint regarding unlawful employment practices. Assembly concurs in Senate amendments 41-27.

SB 1396 (Way) — Makes available to pupils of public and private elementary and secondary schools dental fluoride treatments. Passed 45-13.

SB 689 (Beilenson) — Requires Dept. of Public Health to establish minimum noise standards for specified machinery, equipment, and appliances used within and around the home. Passed 44-18.

AB 1758 (Miller) — Requires candidates for the state legislature to file a declaration of intent to run for office 5 to 15 days prior to filing nomination papers. Requires candidates to pay filing fee upon declaration of intent. Failed 26-32.

SB 192 (Dymally) — Prohibits the election of a county supervisor from a single-member district containing more than 1.1 million persons and provides for increasing the number of supervisors as necessary to comply with the "one man-one vote" principle. Passed 42-26.

SCA 44 (Nejedly) — Requires Senate confirmation of Governor's appointments to the University of California Board of Regents. Subject to voter approval. Passed 54-15.

SB 835 (Alquist) — Appropriates $3,350,000 for community college extended educational opportunity programs. Passed 49-6.

SB 1373 (Alquist) — Authorizes local agencies and joint powers agencies to issue revenue bonds for generating and producing electrical energy for lighting, heating, and power. Failed 28-35.

AB 285 (Meade) — see Senate vote. Passed 58-6.

SB 375 (Beilenson) — Permits minors to obtain contraceptive drugs and devices without parental consent. Passed 43-21.

AB 2923 (Chacon) — Increases the minimum salary of teachers with bachelor's degrees from $6,000 to $6,800 annually. Assembly concurred in Senate amendments, 41-26.

AB 869 (Ralph) — Requires the establishment of a regional mental health center in south-central Los Angeles. Attempted override of Governor's veo failed, 39-23.

AB 30 (Warren) — see Senate vote. Assembly concured in Senate amendments, 42-24.

SB 752 (Petris) — Allows school districts to use tax override funds for the purchase or improvement of school property to be used for educating mentally retarded minors. Passed 41-28.

AB 351 (Crown) — Declares that a drug is misbranded unless its label contains a suitable potency expiration date. Attempted override of Governor's veto failed, 41-29.

SB 1420 (Zenovich) — Would allow 18- to 21-year-olds to serve as grand jurors. Failed 31-38.

AB 1547 (Sieroty) — Extends women's protective labor laws to men and requires annual automatic adjustment in the minimum wage based on the cost of living. Requires at least two women to serve on the Industrial Welfare Commission instead of one. Passed 41-31.

SB 1469 (Dymally) — Appropriates additional $160,000 to the Fair Employment Practices Commission. Failed 45-24 (54 votes required).

SB 845 (Grunsky) — Appropriates $1,821,379 for salary increases for state firefighters. Passed 54-3.

SB 3 (Alquist) — Provides for an open presidential primary election. Candidates listed on the ballot shall be recognized candidates for president if they have properly formed a delegation no later than the 74th day preceding the primary. Passed 52-6.

SB 278 (Alquist) — Provides alternative method of selecting Democratic candidates for presidential primary ballot. Candidates shall be those found to be recognized candidates throughout the nation and state if they have properly formed delegations. Passed 43-17.

SB 279 (Alquist) — see Senate vote. Passed 43-19.

SCA 3 (Alquist) — Proposed constitutional amendment to provide for an open presidential primary. Subject to voter approval. Passed 61-7.

AB 1229 (Waxman) — Revises procedures for voting by absentee ballot. Requires absentee ballot to be mailed with ballot pamphlet. Permits person with absentee ballot to vote in person at his polling place upon surrender of absentee ballot. Assembly concurred in Senate amendments, 50-17.

SB 998 (Petris) — Authorizes increase in school district tax rate to provide school meals for needy children. Passed 43-23.

SB 60 (Moscone) — Permits regular registration rather than registration of all electors to remain in progress at all times except during the 53 days immediately preceding any election. Provides for late registration from the 53rd day preceding eletcion to the 19th day preceding election. Changes deadline for receipt of absentee ballots from 5 PM on the day before election to the close of the polls on election day. Passed 41-32.

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SB 818 (Bradley) — Would allow the removal of persons from campuses who are not students, officers or employees of a college or university if it appears that such persons are committing an act likely to interfere with the conduct of campus activities. Would impose fine of $250 for any person who disobeys order to leave campus. Failed 33-18.

AB 1181 (Murphy) — Creates Office of Ombudsman for Corrections to process complaints by persons confined in penal institutions and conduct investigations of prison conditions. Assembly concurred in Senate amendments, 49-10.

SB 19 (Dymally) — Reapportions State Board of Equalization districts. Passed 51-22.

SB 104 (Moscone) — Appropriates $26,807,750 for state employee cost-of-living pay increases. Passed 60-14.

SB 279 (Alquist) — see Senate vote and previous Assembly vote. Assembly refused adoption of conference report, 23-28.

SB 432 (Petris) — Establishes safety requirements for handling pesticides. Requires employers to provide handwashing facilities and to post notices on fields that have been treated with economic poisons. Provides for inspections of facilities by county health officers. Failed 34-36.

AB 2722 (Waxman) — Permits persons to register to vote upon reaching age 17 if they will be 18 by the date the election is to be held. Assembly refused to adopt conference report, 30-32.

SCA 1 (Moscone) — Proposed constitutional amendment to conform state constitution to U.S. Constitution with regard to the 18-year-old voting age. Failed 38-28.

SB 138 (Nejedly) — see Senate vote. Attempted override of Governor's veto failed, 51-20 (54 votes required).

AB 657 (Waxman) — Reapportions congressional districts. Failed 37-35.

AB 2891 (Crown) Appropriates additional $1.3 million for the support of crippled children's services. Attempted override of Governor's veto failed, 43-20.

Special Session

AB 1 (Bagley) — Compromise $501 million tax measure. See article, p. 339.

ASSEMBLY

Democrats

	AB 2109	SB 18	AB 950	AB 794	SB 1396	SB 689	AB 1758	SB 192	SCA 44	SB 835	SB 1373	AB 285	SB 375	AB 2923	AB 869	AB 30	SB 752	AB 351	SB 1420	AB 1547	SB 1469	SB 845	SB 3	SB 278	SB 279	SCA 3	AB 1229	SB 998	SB 60	SB 818	AB 1181	SB 19	SB 104	SB 279	SB 432	AB 2722	SCA 1	SB 138	AB 657	AB 2891	AB 1
Bee	Y	Y	N	Y	N	Y	Y	Y	Y	Y	N	Y	*	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y
Brathwaite	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Brown	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Burton	N	Y	Y	Y	*	*	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Chacon	*	Y	Y	*	*	*	*	*	*	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Cory	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N
Crown	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cullen	Y	Y	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Y	*	Y	*	Y	Y	Y	*	N	N	Y	Y	N	Y	Y	Y
Davis	N	Y	*	Y	Y	N	Y	*	Y	*	Y	Y	N	*	Y	*	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	N	Y	N	Y	N	Y	Y
Deddeh	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dunlap	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y
Fenton	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fong	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foran	Y	N	Y	Y	Y	Y	Y	*	Y	Y	*	Y	Y	*	Y	Y	Y	Y	*	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garcia	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	*
Gonsalves	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	*	N	Y	Y	Y	Y	Y	Y	Y	Y
Greene, B.	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	Y	Y	Y	Y	Y	*	*
Greene, L.	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	N	Y	Y	Y	*	Y	*	Y	Y	Y	Y	Y
Johnson, H.	Y	Y	Y	Y	*	Y	Y	N	Y	Y	N	Y	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y
Karabian	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*
Keysor	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Knox	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
LaCoste	N	Y	Y	*	*	*	*	*	*	*	*	*	*	*	*	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	*	Y	Y	Y	Y	Y
MacDonald	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	*	Y	Y	Y	Y	Y	Y
McAlister	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
McCarthy	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Meade	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	Y	N	Y	Y	Y	Y	*
Miller	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	*	*	Y	Y	*	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Moretti	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Pierson	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y
Porter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	*	Y	Y	Y	Y
Powers	Y	Y	Y	Y	Y	*	N	Y	Y	Y	*	Y	Y	*	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	*	N	Y	Y	Y	*
Quimby	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	*	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Ralph	*	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ryan	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y	*	*	Y	Y	Y	Y	Y
Sieroty	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N
Thomas	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	Y	Y	Y	*	Y	Y	*
Townsend	*	Y	Y	Y	*	*	Y	*	Y	*	N	Y	*	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	*	*	Y	*	Y	Y	Y	*
Vasconcellos	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y
Warren	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Waxman	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Z'berg	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*	Y	*	Y	Y	Y	Y	N

Republicans

	AB 2109	SB 18	AB 950	AB 794	SB 1396	SB 689	AB 1758	SB 192	SCA 44	SB 835	SB 1373	AB 285	SB 375	AB 2923	AB 869	AB 30	SB 752	AB 351	SB 1420	AB 1547	SB 1469	SB 845	SB 3	SB 278	SB 279	SCA 3	AB 1229	SB 998	SB 60	SB 818	AB 1181	SB 19	SB 104	SB 279	SB 432	AB 2722	SCA 1	SB 138	AB 657	AB 2891	AB 1
Arnett	Y	N	Y	*	Y	Y	N	N	Y	Y	*	Y	Y	Y	*	*	N	*	N	N	Y	Y	Y	N	N	Y	Y	N	N	Y	Y	N	N	Y	N	N	*	N	N	*	Y
Badham	Y	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	*	N	N	N	N	*	*	N	Y	*	N	N	Y	N	N	N	N	N	Y	N	Y
Bagley	Y	N	Y	Y	*	*	N	Y	Y	*	N	Y	Y	*	N	Y	Y	*	Y	*	Y	Y	*	Y	Y	*	Y	Y	Y	N	*	Y	Y	Y	N	Y	N	*	N	N	*	Y
Barnes	*	N	N	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Y	N	Y	N	N	*	*	N	Y	Y	N	Y	N	Y	N	N	N	N	Y	Y
Belotti	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Beverly	Y	N	N	N	*	Y	N	*	Y	Y	N	Y	Y	Y	N	*	Y	N	N	N	Y	Y	Y	*	*	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y	Y
Biddle	Y	N	N	N	N	*	N	N	*	*	N	Y	N	N	N	*	N	N	N	N	N	*	Y	N	N	N	N	*	N	*	Y	N	N	N	N	N	N	N	N	N	N	Y
Briggs	N	N	N	N	*	Y	*	Y	Y	Y	N	Y	N	N	N	*	N	N	N	N	N	Y	Y	N	N	Y	Y	N	N	Y	N	N	Y	N	N	N	N	*	N	*	N	N
Brophy	*	N	N	*	Y	Y	N	Y	Y	*	N	*	Y	N	N	N	N	N	N	N	N	*	*	Y	N	N	Y	N	N	N	Y	N	Y	Y	N	N	*	N	N	N	N	Y
Burke	Y	N	N	N	N	N	N	N	N	*	N	N	N	N	N	N	N	N	N	N	N	*	*	*	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Campbell	Y	N	N	*	*	*	Y	Y	Y	*	*	*	*	*	*	*	*	*	N	*	*	*	Y	Y	Y	*	*	Y	Y	Y	N	*	N	Y	Y	Y	N	N	Y	N	Y	N
Chappie	Y	N	*	N	Y	N	*	N	N	*	N	Y	Y	N	N	N	N	N	N	N	N	Y	Y	Y	Y	*	*	N	N	Y	*	N	Y	*	N	N	Y	N	Y	Y		
Cline	Y	N	Y	N	*	*	*	N	N	N	N	N	Y	N	*	N	N	N	N	N	N	Y	N	N	N	*	N	N	N	Y	Y	N	N	N	*	N	*	N	Y	Y		
Collier	*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	*	*	N	N	N		
Conrad	Y	N	N	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Dent	*	*	*	N	N	Y	N	Y	Y	Y	N	Y	N	N	N	N	Y	N	N	N	N	Y	Y	N	N	Y	N	Y	N	Y	N	N	N	N	N	N	N	Y	N	N	Y	
Duffy	*	*	*	*	*	*	*	*	Y	Y	N	Y	Y	N	*	N	N	N	N	N	N	*	Y	Y	N	N	Y	N	N	*	*	N	Y	*	N	N	N	Y	N	N	Y	
Hayden	N	N	N	N	Y	Y	N	N	N	Y	*	Y	N	Y	N	N	N	N	N	N	N	Y	*	*	*	Y	N	N	N	Y	Y	Y	Y	N	*	N	N	N	N	*	Y	
Hayes	Y	N	N	*	*	Y	*	N	N	*	N	Y	N	N	N	N	N	N	N	N	N	Y	*	*	*	*	*	*	*	*	*	*	*	*	Y	*	*	*	*	*	*	Y	
Johnson, R.	Y	N	N	N	*	*	*	N	*	N	*	N	Y	N	*	N	N	N	*	N	N	*	N	*	*	*	Y	N	N	N	Y	*	N	Y	N	N	N	N	Y	N	*	Y	
Ketchum	Y	N	N	N	N	N	N	N	Y	N	N	Y	Y	N	N	N	N	N	*	N	N	Y	Y	N	N	Y	N	Y	N	N	N	N	Y	N	Y	N	N	N	N	N	Y	Y
Lanterman	Y	N	N	Y	N	N	N	N	N	*	N	*	N	N	*	*	N	N	N	N	N	*	*	*	*	*	*	*	N	N	Y	Y	N	N	N	N	N	N	N	N	N	Y
Lewis	Y	N	N	N	Y	N	N	N	*	*	N	*	Y	*	*	N	N	N	N	N	N	Y	Y	Y	Y	*	Y	N	N	Y	*	N	Y	*	N	N	N	*	N	N	*	Y
MacGillivray	Y	N	N	N	Y	N	N	N	N	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Maddy	Y	N	Y	N	Y	N	N	Y	Y	Y	*	Y	N	Y	*	Y	N	N	N	N	*	Y	Y	Y	Y	Y	N	N	N	Y	*	N	Y	*	N	N	*	N	N	*	Y	
Mobley	Y	N	*	N	Y	N	Y	N	N	Y	N	Y	*	N	N	N	N	N	N	N	N	*	*	*	Y	N	N	N	Y	*	N	Y	*	N	Y	*	N	N	N	N	*	Y
Monagan	Y	N	N	N	*	N	N	N	Y	*	Y	*	Y	N	*	N	N	N	N	N	N	*	*	*	N	N	*	*	N	N	Y	*	N	Y	N	N	N	Y	N	N	*	Y
Moorhead	*	N	N	N	N	Y	N	N	N	*	N	Y	N	N	N	N	N	N	N	N	N	*	Y	Y	Y	Y	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	Y
Murphy	N	N	N	N	Y	N	N	Y	Y	Y	*	Y	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	*	N	N	Y	Y	Y	N	N	N	N	N	N	N	*	Y
Priolo	Y	N	Y	N	*	Y	*	N	N	*	N	Y	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y	Y	N	N	Y	Y	N	N	*	N	Y	N	Y	Y	Y		
Russell	Y	N	N	N	N	Y	Y	N	N	Y	N	Y	N	N	N	N	N	N	N	N	N	*	*	*	*	*	Y	N	N	Y	N	N	N	N	N	N	N	N	N	Y	Y
Schabarum	Y	N	N	N	N	N	N	N	*	*	*	*	*	*	*	*	*	*	N	N	N	*	N	N	N	*	N	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	N
Seeley	Y	N	N	N	Y	N	N	N	N	*	N	*	Y	N	N	N	*	N	N	N	N	Y	*	N	N	*	N	Y	N	Y	*	*	*	*	*	N	*	*	*	N	*	Y
Stacey	Y	N	*	N	Y	N	N	N	Y	N	N	N	Y	N	N	N	Y	*	N	N	N	Y	Y	N	N	N	Y	N	N	Y	Y	N	N	N	Y	Y	N	N	N	N	*	N
Stull	Y	N	N	N	*	N	N	N	N	*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	*	N	N	Y	*	N	N	N	N	N	N	N	N	N	Y
Wakefield	Y	N	N	N	N	*	*	N	*	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Wilson	*	*	*	*	*	*	*	*	Y	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Wood	Y	N	Y	N	Y	Y	N	N	Y	Y	N	Y	N	N	N	N	N	N	Y	N	N	Y	Y	Y	N	Y	N	*	N	Y	Y	Y	Y	Y	N	N	N	N	Y	N	Y	Y

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

No memory of having starred
Atones for later disregard,
Or keeps the end from being hard.

— Robert Frost

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED